

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H4/7/99

A Bill

Act 1489 of 1999
HOUSE BILL 2012

5 By: Representatives Laverty, Broadway, Hathorn, Sheppard, Prater, Lynn, Creekmore, Harris, P.
6 Malone, Teague
7
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For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 88 TO
11 ADD SUBCHAPTER 4 CONCERNING 'SLAMMING' IN THE
12 TELECOMMUNICATIONS INDUSTRY; AND FOR OTHER PURPOSES."
13

Subtitle

14
15 "TO AMEND ARKANSAS CODE TITLE 4, CHAPTER
16 88 TO ADD SUBCHAPTER 4 CONCERNING
17 'SLAMMING' IN THE TELECOMMUNICATIONS
18 INDUSTRY."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 4, Chapter 88 is hereby amended by
24 inserting Subchapter 4 at the end thereof to read as follows:

25 "SUBCHAPTER 4 - 'SLAMMING' IN THE TELECOMMUNICATIONS INDUSTRY.
26 4-88-401. Definitions.

27 (a) 'Subscriber' means a telecommunications service provider's or
28 provider's retail business customer or a retail residential customer.

29 (b) 'Person' means any individual, group, unincorporated association,
30 limited or general partnership, limited liability corporation, corporation,
31 professional fundraiser, charitable organization, or other business entity.

32 (c) 'Slamming' means submitting or executing a change in a subscriber's
33 selection of a provider of telephone exchange service or telephone toll
34 service except in accordance with the verification procedures as the FCC shall
35 prescribe.
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1 4-88-402. 'Slamming'.
 2 No telecommunications service provider, and no person acting on behalf
 3 of any telecommunications service provider, shall engage in the practice of
 4 'slamming', as defined in this subchapter.

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 6 4-88-403. Penalties, remedies, and enforcement.

7 (a) When a person violates this subchapter or a regulation prescribed
 8 under this subchapter, such violation shall constitute an unfair or deceptive
 9 act or practice as defined by the Deceptive Trade Practices Act, beginning at
 10 Arkansas Code 4-88-101. All remedies, penalties, and authority granted to the
 11 attorney general under the Deceptive Trade Practices Act shall be available to
 12 the attorney general for the enforcement of this subchapter.

13 (b) The remedies and penalties provided by this section are cumulative
 14 to each other and the remedies or penalties available under all other laws of
 15 this state."

16
 17 SECTION 2. All provisions of this act of a general and permanent nature
 18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 19 Revision Commission shall incorporate the same in the Code.

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 21 SECTION 3. If any provision of this act or the application thereof to
 22 any person or circumstance is held invalid, such invalidity shall not affect
 23 other provisions or applications of the act which can be given effect without
 24 the invalid provision or application, and to this end the provisions of this
 25 act are declared to be severable.

26
 27 SECTION 4. All laws and parts of laws in conflict with this act are
 28 hereby repealed.

29 /s/ Lavery, et a

 APPROVED: 4/15/1999