

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**HOUSE BILL**

4 **By: Representatives Hawkins, Parkerson and Wagner**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 23, CHAPTER 13,  
9 SUBCHAPTER 2, CONCERNING THE POWERS AND DUTIES OF THE  
10 STATE HIGHWAY COMMISSION, TO ADD A NEW SECTION TO PROVIDE  
11 THAT ANY FREIGHT OR PARCEL DELIVERY SERVICE SHALL PAY  
12 INTEREST ON ANY DEPOSIT THEY REQUIRE BEFORE FURNISHING  
13 DELIVERY SERVICE; AND FOR OTHER PURPOSES."

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## **Subtitle**

16 "AN ACT TO PROVIDE THAT ANY FREIGHT OR PARCEL DELIVERY  
17 SERVICE SHALL PAY INTEREST ON ANY DEPOSIT THEY REQUIRE."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 23, Chapter 13, Subchapter 2 is amended  
22 to add the following new section:

23 "23-13-265 (a). Whenever any person, company, or corporation furnishing  
24 customers with freight or parcel delivery service shall require from and after  
25 the effective date of this section a monetary deposit or deposits from the  
26 customer before the delivery service will be supplied to him, and that deposit  
27 or deposits have not been refunded to that customer, the customer submitting  
28 or who has submitted the deposit or deposits shall receive interest payments  
29 annually from the person, company, or corporation based on the amount of the  
30 deposit or deposits.

31 (b) The rate of interest and payments to be made in accordance with  
32 subsection (a) shall be the maximum interest allowed by Arkansas law based on  
33 and calculated on the amount of the average daily balance of the monetary  
34 deposit by the customer through the end of the calendar year for the year in  
35 which a deposit or deposits were made and shall be paid on or before December

1 31st of that calendar year. Notwithstanding any other provisions of this  
2 section to the contrary, for interest payments due December 31, 1993, with  
3 regard to deposits made prior to the effective date of this section, interest  
4 shall be based and calculated on the average daily balance amount of the  
5 deposit or deposits from the effective date of this section through December  
6 31, 1993.

7 (c) Any interest payment required by this section for calendar year  
8 1993 may be avoided if the full amount of all unrefunded deposits are refunded  
9 to the customer prior to December 31, 1993.

10 (d) No interest payment shall be required by this section if the  
11 customer is indebted to the person, company or corporation for freight or  
12 parcel delivery service in an amount equal to or greater than the sum of all  
13 unrefunded deposits held on behalf of that customer and that customer has  
14 failed to pay such debt when due.

15 (e) The Arkansas State Highway Commission is hereby authorized to make  
16 and promulgate rules and regulations to effectuate the provisions of this  
17 section and is further empowered with the authority, upon complaint in writing  
18 to that commission, to hold hearings in accordance with §23-13-210 and, if  
19 deemed necessary by that commission, to issue appropriate orders to compel any  
20 person, company, or corporation to comply with this section. Such orders may  
21 include fines and penalties as provided for in Chapter 13 of this Title 23 and  
22 may include the suspension or revocation of any authority granted by that  
23 commission to any such person, company, or corporation to operate in this  
24 state."

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26 SECTION 2. All provisions of this act of a general and permanent  
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
28 Code Revision Commission shall incorporate the same in the Code.

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30 SECTION 3. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

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1           SECTION 4. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

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