

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Riable**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO DEFINE AND PROVIDE A REMEDY FOR CERTAIN ACTS OF
9 MISREPRESENTATION; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO DEFINE AND PROVIDE A REMEDY FOR CERTAIN ACTS OF
13 MISREPRESENTATION."

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

17 SECTION 1. (a) In the event of a misrepresentation by a person to
18 another person over the purchase or sale of consumer goods, the injured person
19 shall be entitled to sue the perpetrator in Circuit or Small Claims Court.
20 The statute of limitation for this offense shall be three (3) years. The
21 offense shall be a tortious act and venue shall lie in either the residence of
22 the injured party; the place where the act causing the injury took place; or,
23 the residence of the perpetrator, at the discretion of the plaintiff.

24 (b) Misrepresentation shall be defined as the making of a
25 representation that the perpetrator knows is false, the making of a
26 representation which the perpetrator does not have sufficient information to
27 make, or the failure or omission to provide or disclose information about the
28 consumer good which would be reasonably necessary to the injured person in
29 arriving at a decision as to whether to make the transaction.

30 (c) Upon due proof, the injured party shall be entitled to compensatory
31 damages and may also seek punitive damages.

32 (d) Any title or bill of sale executed and transferred in connection
33 with the sale or purchase of a consumer good shall contain a disclosure of any
34 known damage the subject good has had.

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

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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

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