

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

A Bill

HOUSE BILL 1975

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT VIOLATIONS OF 15 U.S.C. § 1681,
9 COMMONLY KNOWN AS THE FAIR CREDIT REPORTING ACT, SHALL BE
10 AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER THE ARKANSAS
11 DECEPTIVE TRADE PRACTICES ACT, ARKANSAS CODE ANNOTATED §
12 4-88-101 ET SEQ.; TO REQUIRE NOTIFICATION TO AN ARKANSAS
13 CONSUMER BEFORE PLACING ANY INFORMATION INDICATING A
14 BANKRUPTCY FILING UPON A CREDIT REPORT; AND FOR OTHER
15 PURPOSES."

Subtitle

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18 "TO PROVIDE THAT VIOLATIONS OF THE FEDERAL FAIR CREDIT
19 REPORTING ACT SHALL BE A VIOLATION OF A.C.A. § 4-88-101 ET
20 SEQ."

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

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24 SECTION 1. Any violation of 15 U.S.C. § 1681(a)-(p), commonly known as
25 the Fair Credit Reporting Act, codified as of January 1, 1993, by any credit
26 reporting agency, shall constitute a violation of the Arkansas Deceptive Trade
27 Practices Act, codified at Arkansas Code § 4-88-101 et seq. All remedies,
28 penalties, and authority granted to the Attorney General under the Deceptive
29 Trade Practices Act shall be available to the Attorney General for the
30 enforcement of this section. *For purposes of this section, credit reporting*
31 *agency shall be that entity as defined in 15 U.S.C. § 1681(a).*

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33 SECTION 2. (a) Any credit reporting agency which obtains information
34 from a source located within the State of Arkansas shall not place any
35 information reflecting a bankruptcy filing in a credit report of an Arkansas

1 resident without immediately, at the time of such placing, providing written
2 notice of the intended bankruptcy information to the Arkansas resident. Proof
3 of notice under this section shall be sufficient only by a showing that the
4 credit reporting agency has sent the information by certified mail addressed
5 to the Arkansas resident's last known home address.

6 (b) A violation of this section shall constitute a violation of the
7 Arkansas Deceptive Trade Practice Act, codified at Arkansas Code § 4-88-101 et
8 seq. All remedies, penalties, and authority granted to the Attorney General
9 under the Deceptive Trade Practices Act shall be available to the Attorney
10 General for the enforcement of this section.

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

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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/s/Rep. Wilkins

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As Engrossed: 3/25/93

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