

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

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 92,  
9 SUBCHAPTER 1 PERTAINING TO RENTAL-PURCHASES, PROVIDING  
10 THAT RENTAL-PURCHASE AGREEMENTS IN VIOLATION SHALL  
11 CONSTITUTE A DECEPTIVE TRADE PRACTICE ACT AS DEFINED BY  
12 ARKANSAS CODE ANNOTATED §4-88-101 ET SEQ.; AND FOR OTHER  
13 PURPOSES."

## Subtitle

16 "AN ACT TO PROVIDE THAT RENTAL-PURCHASE AGREEMENTS IN  
17 VIOLATION OF LAW SHALL CONSTITUTE A DECEPTIVE TRADE  
18 PRACTICE."

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

22 SECTION 1. Arkansas Code Annotated §4-92-103 is amended to read as  
23 follows:

24 "4-92-103. Liability of lessor.

25 (a) A consumer damaged by a violation of this chapter by a lessor is  
26 entitled to recover from the lessor:

27 (1) Actual damages;

28 (2) Twenty-five percent (25%) of an amount equal to the total  
29 amount of payments required to obtain ownership of the merchandise involved.  
30 However, the amount recovered under this subdivision may not be less than one  
31 hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and

32 (3) Reasonable attorney's fees not to exceed fifteen percent  
33 (15%) of the consumer's allowable recovery and court costs.

34 (b) Any execution or enforcement of a rental-purchase agreement in  
35 violation of this chapter or any other violation of this chapter shall

1 constitute an unfair or deceptive act or practice as defined by the Deceptive  
2 Trade Practices Act, Arkansas Code Annotated §4-88-101 et seq. All remedies,  
3 penalties, and authority granted to the Attorney General under the Deceptive  
4 Trade Practices Act shall be available to the Attorney General for the  
5 enforcement of this act."

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

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11 SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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

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