

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

A Bill

HOUSE BILL

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, shall
26 constitute a violation of the Arkansas Deceptive Trade Practices Act, codified
27 at Arkansas Code § 4-88-101 et seq. All remedies, penalties, and authority
28 granted to the Attorney General under the Deceptive Trade Practices Act shall
29 be available to the Attorney General for the enforcement of this section.

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31 SECTION 2. (a) Any credit reporting agency that obtains information
32 from a source located within the State of Arkansas shall not place any
33 information reflecting a bankruptcy filing in a credit report of an Arkansas
34 resident without prior written notice of the intended bankruptcy information
35 being posted and addressed to the Arkansas resident at least five (5) days

1 prior to the placing of the bankruptcy information in the resident's credit
2 report. Proof of notice under this section shall be sufficient only by a
3 showing that the credit reporting agency has sent the information by certified
4 mail, addressed to the Arkansas resident's last known home address, and has
5 received either receipt of delivery or proof of undeliverability.

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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