

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

# **A Bill**

**HOUSE BILL**

4 **By: Representatives Rice, Sheid and Pryor**

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

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 74,  
9 SUBCHAPTER 1 PERTAINING TO GOING OUT OF BUSINESS SALES,  
10 PROVIDING THAT SALES CONDUCTED 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."

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## **Subtitle**

16 "AN ACT TO PROVIDE THAT GOING OUT OF BUSINESS SALES  
17 CONDUCTED IN VIOLATION OF LAW SHALL CONSTITUTE A DECEPTIVE  
18 TRADE PRACTICE."

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

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22 SECTION 1. Arkansas Code Annotated 4-74-111 is amended to read as  
23 follows:

24 "(a) It is unlawful for any person, firm, corporation, association, or  
25 other business entity to falsely represent that the person or entity is going  
26 out of business or for any person or entity to misrepresent the ownership of a  
27 business for the purpose of or in connection with the conduct of a going out  
28 of business sale.

29 (b) Any going out of business sale conducted in violation of this  
30 chapter shall constitute an unfair or deceptive act or practice as defined by  
31 the Deceptive Trade Practices Act, Arkansas Code 4-88-101 et seq. All  
32 remedies, penalties, and authority granted to the Attorney General under the  
33 Deceptive Trade Practices Act shall be available to the Attorney General for  
34 the enforcement of this act."

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1           SECTION 2. All provisions of this act of a general and permanent  
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
3 Code 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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