

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2603

4
5 By: Representatives Creekmore, Cleveland
6
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For An Act To Be Entitled

8
9 AN ACT CONCERNING CREDIT CARD DEBT INCURRED ON A
10 JOINT CREDIT CARD ACCOUNT BEFORE THE DIVORCE OF
11 THE PARTIES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT CONCERNING CREDIT CARD DEBT
15 INCURRED ON A JOINT CREDIT CARD ACCOUNT
16 BEFORE THE DIVORCE OF THE PARTIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. (a) In a divorce action, after a court determination or
22 court approval of a property settlement agreement establishing the party
23 responsible for any joint credit card account debt, the non obligated party
24 may notify the issuer of the credit card of the court order or property
25 settlement agreement by certified mail, return receipt requested, and upon
26 receipt of the notice by the issuer of the credit card the nonresponsible
27 party shall not be liable for any new charges on the credit card other than
28 interest and late fees, unless the charge is made by the non responsible
29 party.

30 (b)(1) Upon receipt of the notice the issuer of the credit card shall:

31 (A) Provide the nonresponsible party a statement of the
32 credit card balance on the date of receipt of the notice; and

33 (B) Either:

34 (i) Cancel the credit card; or

35 (ii) Remove the nonresponsible party from the joint
36 credit card account and apply all payments, made after receipt of the notice,



1 to the principle and interest on the debt existing at the time of
2 notification until the debt is paid in full.

3 (c)(1) Nothing in this section prohibits the issuer of the credit card
4 from issuing a new credit card to the responsible party.

5 (2) If as a result of receiving the notice under this section, a
6 new credit card is issued in the name of responsible party the issuer may:

7 (A) Transfer the outstanding debt to the new credit card
8 account for which the responsible party is solely responsible; or

9 (B) Issue the new credit card with a zero balance and
10 allow no new charges on the original credit card account, and both parties
11 who are the obligors on the original credit card account will remain
12 responsible for paying the debt from the original account in accordance with
13 the terms and conditions of the original credit card account until the
14 balance is paid in full.

15 (d) Proof that the nonresponsible party notified the issuer of the
16 credit card pursuant to this section shall be an affirmative defense to any
17 action to recover card debt resulting from any charge on the account after
18 the date of the notice.

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