

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

A Bill

ACT 1050 OF 1993
HOUSE BILL 1999

For An Act To Be Entitled

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

Subtitle

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

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

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

"4-92-103. Liability of lessor.

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

(1) Actual damages;

(2) Twenty-five percent (25%) of an amount equal to the total amount of payments required to obtain ownership of the merchandise involved.

However, the amount recovered under this subdivision may not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and

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

(b) Any execution or enforcement of a rental-purchase agreement in violation of this chapter or any other violation of this chapter shall constitute an unfair or deceptive act or practice as defined by the Deceptive

1 Trade Practices Act, Arkansas Code Annotated §4-88-101 et seq. All remedies,
2 penalties, and authority granted to the Attorney General under the Deceptive
3 Trade Practices Act shall be available to the Attorney General for the
4 enforcement of this act."

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

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

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

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APPROVED: 4/12/93

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