

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S3/19/97 H3/31/97

## A Bill

ACT 1311 OF 1997  
SENATE BILL 719

4  
5 By: Senator Hopkins  
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### For An Act To Be Entitled

8  
9 "AN ACT TO REPEAL VARIOUS OBSOLETE LAWS IN ARKANSAS CODE  
10 *TITLE 23, CHAPTERS 2 AND 17; AND FOR OTHER PURPOSES.*"  
11

### Subtitle

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13  
14 "AN ACT TO REPEAL VARIOUS OBSOLETE LAWS  
15 *IN ARKANSAS CODE TITLE 23, CHAPTERS 2*  
16 *AND 17.*"  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1 Arkansas Code 23-2-404, 23-17-114, 23-17-115, 23-17-117, and  
21 23-17-118 are repealed.  
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23 ~~23-2-404. Complaints.~~

24 ~~No complaint shall at any time be dismissed because of the absence of~~  
25 ~~direct damages to, or interest of, the complainant.~~

26  
27 ~~23-17-114. Renting to other companies to transmit messages.~~

28 ~~All companies, corporations, or persons having exclusive rights to sell~~  
29 ~~or rent telephone or telephone instruments in this state, and doing business~~  
30 ~~in this state, shall permit any other company or corporation organized under~~  
31 ~~the laws of this state, for the purpose of transmitting telephonic messages,~~  
32 ~~to use and rent the instruments, appliances, and telephones belonging to or~~  
33 ~~being under the control of the companies at any sum not to exceed four dollars~~  
34 ~~(\$4.00) per month for each instrument. However, if such owners or patentees~~  
35 ~~own and operate lines for the transmission of telephonic messages between the~~  
36 ~~same points of transmission and reception of messages, they shall not be~~

1 ~~compelled to rent their instruments to rival companies.~~

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3 ~~—— 23-17-115. Maximum monthly rental for telephone instruments.~~

4 ~~—— It shall be unlawful for any company, corporation, or person doing~~  
5 ~~business in this state as a telephone company, or as agent or patentee of any~~  
6 ~~telephone instruments, appliances, attachments, or fixtures, or doing business~~  
7 ~~out of this state through agents in this state to charge, demand, ask, or~~  
8 ~~receive of, or from, any other company or corporation doing business, or to do~~  
9 ~~business, in this state as a telephone company a greater sum of money than~~  
10 ~~four dollars (\$4.00) per month as rent for the use of each telephone~~  
11 ~~instrument with its attachments and appliances.~~

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13 ~~—— 23-17-117. Recovery of excessive charges prohibited.~~

14 ~~—— No company, corporation, or person shall be permitted to maintain suit~~  
15 ~~in any of the courts of this state for any charges, rents, fees, or demands in~~  
16 ~~excess of the rates of rental provided for in <sup>AA</sup> 23-17-114 or 23-17-115.~~

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18 ~~—— 23-17-118. Fees of foreign telephone, telegraph, and pipeline companies~~  
19 ~~doing intrastate business.~~

20 ~~—— Every foreign telegraph, telephone, or pipeline company doing intrastate~~  
21 ~~business in this state or seeking to do intrastate business in this state~~  
22 ~~shall, before being authorized to do intrastate business or permitted to~~  
23 ~~continue to do intrastate business, pay the same fees as are prescribed for~~  
24 ~~such corporations organized under the laws of this state. The amount of the~~  
25 ~~fees is to be based upon the number of miles of line owned or operated, or to~~  
26 ~~be owned or operated, by the company in the transaction of such intrastate~~  
27 ~~business in Arkansas. If the number of miles owned or operated by the company~~  
28 ~~shall be increased after the payment of the first fees under this act, fees at~~  
29 ~~the same rate shall be paid upon such increase.~~

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31 SECTION 2. The repeal of Arkansas Code 23-2-404 by this act shall not  
32 be construed as depriving or expanding the current authority of the Attorney  
33 General of Arkansas to represent and bring complaints on behalf of customers  
34 of utilities in Arkansas.

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36 SECTION 3. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 4. If any provision of this act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 act are declared to be severable.

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10 SECTION 5. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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*/s/Hopkins*

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APPROVED:4-10-97

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