

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
4

A Bill

Act 1042 of 2003
HOUSE BILL 2293

5 By: Representatives Creekmore, Wood
6
7

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS CONSUMER TELEPHONE
9 PRIVACY ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE ARKANSAS CONSUMER TELEPHONE
12 PRIVACY ACT.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 4-99-404 is amended to read as follows:
20 4-99-404. The Attorney General shall:

21 (1) Establish and thereafter operate a single statewide database
22 composed of a list of telephone numbers of consumers who object to receiving
23 telephone solicitations;

24 (2)(A) Specify the methods by which the objections to telephone
25 solicitations shall be collected and added to the database.

26 (B)(i) Any consumer wishing to be placed in the database may
27 notify the Attorney General and be placed in the database upon receipt by the
28 Attorney General of an application and any initial listing charge which shall
29 not exceed ten dollars (\$10.00).

30 (ii) The listing shall be renewed by the Attorney General
31 annually for each consumer upon the receipt of a renewal notice and ~~an~~ any
32 annual assessment not to exceed five dollars (\$5.00);

33 (C)(i) The database may include Arkansas consumers who have
34 registered for the national "Do-Not-Call" registry established and maintained
35 by the Federal Trade Commission pursuant to 16 C.F.R. § 310.4 as in effect on
36 March 1, 2003.



1 (ii) The Attorney General may:

2 (a) Periodically obtain from the Federal Trade
3 Commission the information necessary to add these Arkansas consumers to the
4 database maintained by the Attorney General; and

5 (b) Provide to the Federal Trade Commission access
6 to the state database so that those Arkansas consumers who have signed up for
7 the state database can also be included in the national "Do-Not-Call"
8 registry.

9 (3) Specify the methods, if any, by which the objections may be
10 withdrawn from the database;

11 (4) Specify the methods by which any person desiring to make or
12 transmit telephone solicitations may obtain access to the database as
13 required to avoid calling the telephone numbers of the consumers included in
14 the database;

15 (5) Specify the methods, if any, for recovering the costs involved in
16 identifying, collecting, updating, and disseminating the database, and other
17 activities related to the Attorney General's duties under this subchapter;
18 and

19 (6) Specify the frequency with which the database will be updated and
20 specify the method by which the updating will take effect for the purposes of
21 compliance with this subchapter, allowing no fewer than ten (10) calendar
22 days for affected persons to update their databases after the Attorney
23 General's database has been updated.

24
25 SECTION 2. Arkansas Code § 4-99-405 is amended to read as follows:

26 4-99-405. It shall be a violation of this subchapter for any person
27 to:

28 (1) Make or transmit a telephone solicitation to the telephone number
29 of any consumer included in the then-current database maintained by the
30 Attorney General pursuant to this subchapter; ~~or~~

31 (2) Make or transmit a telephone solicitation without having first
32 accessed in the manner specified by the Attorney General the then-current
33 database maintained by the Attorney General pursuant to this subchapter; ~~or~~ or

34 (3) Make or transmit a telephone
35 solicitation if that telephone solicitation violates the Federal Trade
36 Commission "Do-Not-Call" rule set out in 16 C.F.R. §310.4 as in effect on

1 March 1, 2003.

APPROVED: 4/2/2003