

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/9/99 H3/22/99

A Bill

Act 1361 of 1999
HOUSE BILL 1992

5 By: Representatives Prater, Lavery, Hathorn, Creekmore, Lynn, Broadway, Teague, Harris, P. Malone,
6 Milligan, *Magnus*
7 By: Senator Critcher
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For An Act To Be Entitled

11 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 99 TO
12 ADD SUBCHAPTER 3 CONCERNING THE REGULATION OF
13 TELEPHONIC SELLERS BY PROHIBITING CALLER
14 IDENTIFICATION BLOCKING; AND FOR OTHER PURPOSES."

Subtitle

17 "TO AMEND THE REGULATION OF TELEPHONIC
18 SELLERS BY PROHIBITING CALLER
19 IDENTIFICATION BLOCKING."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 4, Chapter 99 is hereby amended by
25 inserting Subchapter 3 at the end thereof to read as follows:

26 "SUBCHAPTER 3 – CALLER IDENTIFICATION BLOCKING BY TELEPHONIC SELLERS.

27 4-99-301. Definitions.

28 For the purpose of this subchapter:

29 (1) 'Caller identification service' means a service offered by a
30 telecommunications utility that provides caller identification information to
31 a device capable of displaying the information;

32 (2) 'Charitable organization' means any charitable organization as that
33 term is defined by § 4-28-402(2);

34 (3) 'Consumer' means any person to whom has been assigned in the state
35 of Arkansas any telephone line and corresponding telephone number;

36 (4) 'Per-call blocking' means a telecommunications service that

1 prevents the transmission of caller identification information to a called
2 party on an individual call if the calling party acts affirmatively to prevent
3 the transmission of the caller identification information;

4 (5) 'Per-line blocking' means a telecommunications service that
5 prevents the transmission of caller identification to a called party on every
6 call unless the calling party acts affirmatively to release the caller
7 identification information;

8 (6) 'Person' means any individual, group, unincorporated association,
9 limited or general partnership, limited liability corporation, corporation,
10 professional fund raiser, charitable organization, or other business entity;
11 and

12 (7) 'Telephone solicitation' means the initiation of a telephone call
13 or message for the purpose of encouraging the purchase or rental of, or
14 investment in, property, goods, or services, or the initiation of a telephone
15 call or message for the purpose of encouraging a charitable contribution by or
16 on behalf of any charitable organization, which telephone call or message is
17 transmitted to any consumer.

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19 4-99-302. Prohibition.

20 It is a violation of this subchapter for any person to make or transmit
21 a telephone solicitation while using any method, including but not limited to
22 per-call blocking or per-line blocking, that prevents caller identification
23 information for the telephone solicitor's lines used to make telephone calls
24 to a consumer from being shown by a device capable of displaying caller
25 identification information.

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27 4-99-303. Penalties, remedies, and enforcement.

28 (a) When a person violates this subchapter or a regulation prescribed
29 under this subchapter, the violation shall constitute an unfair or deceptive
30 act or practice as defined in Chapter 88 of Title 4 of the Arkansas Code
31 pertaining to deceptive trade practices. All remedies, penalties, and
32 authority granted to the Attorney General under Chapter 88 of Title 4 of the
33 Arkansas Code shall be available to the Attorney General for enforcement of
34 this subchapter.

35 (b) The remedies and penalties provided by this section are cumulative
36 to each other and the remedies or penalties available under all other laws of

1 this state."

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

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

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

14 /s/ Prater, et al

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17 APPROVED: 4/12/1999
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