

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1682

5 By: Representative Maloch
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For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT THE DECEPTIVE TRADE
10 PRACTICES CHAPTER OF THE ARKANSAS CODE DOES NOT
11 APPLY TO ACTIONS THAT ARISE OUT OF AN
12 UNAUTHORIZED PRACTICE OF LAW CLAIM; AND FOR OTHER
13 PURPOSES.
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Subtitle

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17 TO PROVIDE THAT THE DECEPTIVE TRADE
18 PRACTICES CHAPTER OF THE ARKANSAS CODE
19 DOES NOT APPLY TO ACTIONS THAT ARISE OUT
20 OF AN UNAUTHORIZED PRACTICE OF LAW
21 CLAIM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 4-88-101 is amended to add a new
27 subdivision to read as follows:

28 4-88-101. Applicability of chapter.

29 This chapter does not apply to:

30 (1) Advertising or practices which are subject to and which
31 comply with any rule, order, or statute administered by the Federal Trade
32 Commission;

33 (2) Broadcasters, printers, publishers, and other persons
34 engaging in the dissemination of information who do not have actual knowledge
35 of the intent, design, purpose, or deceptive nature of the advertising or
36 practice;



1 (3) Actions or transactions permitted under laws administered by
2 the Insurance Commissioner, the Securities Commissioner, the State Highway
3 Commission, the Bank Commissioner, or other regulatory body or officer acting
4 under statutory authority of this state or the United States, unless a
5 director of these divisions specifically requests the Attorney General to
6 implement the powers of this chapter; ~~or~~

7 (4) Actions or transactions of a public utility which have been
8 authorized by the Arkansas Public Service Commission, a municipal authority,
9 the Federal Energy Regulatory Commission, the Federal Communications
10 Commission, or other regulatory body or officer acting under statutory
11 authority of the United States; or

12 (5) Actions where the complaining party claims that the actual
13 damages sustained were caused by the defendant's engaging in the unauthorized
14 practice of law.

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