

Rules by Subject Matter Interim Committee Recommendations

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
State Board of Collection Agencies				
Refer for Group Consideration				
Additional Offices or Change of Location of Office				ID#: 9435
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Regulation IV requires the licensee to keep the Board apprised of its current address. This requirement is not mandated by law. However, 17-24-308(a)(a) and (2) state that, if the Board receives evidence of a violation, it must order a hearing to be held and all interested parties must be notified of the hearing at least 20 days prior to the hearing. Without the licensee's current address it would be difficult, if not impossible, to serve notice on the licensee that allegedly is operating in violation of the law.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9435/Final/Rule_IV.pdf				
Application for Licensure and Registration				ID#: 9433
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule II is based on A.C.A. 17-24-303 which gives the Board the authority to require a written application for a license requesting information that it deems to be necessary and pertinent.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9433/Final/Rule_II.pdf				
Availability and Remitting Collected Funds				ID#: 9443
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule 11 is based on A.C.A. 17-24-104 under which the Board may sanction a collection agency that fails to remit collected funds to its clients by the end of the calendar month following the month of collection.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9443/Final/Rule_XI.pdf				
Change of Address				ID#: 9444
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule XII requires the licensee to keep the Board apprised of its current address. According to A.C.A. 17-24-308 the Board must order a hearing if it receives evidence of any violation of its debt collection law and must give notice of the hearing to all interested parties at least 20 days prior to the hearing. Without the licensee's current address it would be difficult, if not impossible, to serve notice of the hearing.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9444/Final/Rule_XII.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Change of Ownership				ID#: 9436
Statutory Authority: 17-24-303	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule V is based on A.C.A. 17-24-302 and 17-24-307(2). A.C.A. 17-24-302 contains the qualifications of and restrictions against license applicants. The Board requires notice of the licensee's change of ownership so that it can ensure that the new owner(s) qualifies for licensure. A.C.A. 17-24-307 lists grounds on which a license can be revoked, suspended or denied one of which is the sale or transfer of ownership of a collection agency when notice is not given to the Board.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9436/Final/Rule_V.pdf				
Collection/Disbursement of Bond for Failure to Remit Client Funds				ID#: 9452
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input checked="" type="checkbox"/> Required under State or Federal Law: A.C.A. 17-24-306				
Requirement Statement: A.C.A. 17-24-306 (d) authorizes the Board to promulgate rules regarding the disbursement of bond funds to claimants including distributing the funds on a pro rata basis or authorizing a surety to deal directly with the claimants.				
Enforce: Rule XX is based on the required schedule of remitting collected funds as contained in A.C.A. 17-24-104 and the Board's authority given by A.C.A. 17-24-306 to provide for the distribution of a bond's funds in cases in which the funds were not properly remitted.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9452/Final/Rule_XX.pdf				
Communication by Agency				ID#: 9446
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule XIV is based on A.C.A. 17-24-506 and 17-24-508 which require a collection agency to give the debtor information about the debt it is attempting to collect and information about the collection agency.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9446/Final/Rule_XIV.pdf				
Disciplinary Action - Grounds				ID#: 9448
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule XVI is based on A.C.A. 17-24-307 and 17-24-103 which state the grounds for which a license can be revoked, suspended or denied and the amount of fines that can be imposed.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9448/Final/Rule_XVI.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Display of License				ID#: 9439
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule IX is not based on a statute. It requires a licensee to display its license prominently at its business location so that people will be aware that the licensee's activities are regulated by the Board and that they can contact the Board if they believe that the licensee is violating Arkansas's debt collection law.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9439/Final/Rule_IX.pdf				
Display of License				ID#: 9441
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule IX is not based on the Arkansas Code. It requires a licensee to display its license prominently at its business location so that people will be aware that the licensee's activities are regulated by the Board and that they can contact the Board if they believe that the licensee is violating Arkansas's debt collection law.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9441/Final/Rule_IX.pdf				
Doing Business At More Than One Office or Location				ID#: 9434
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule III is not based on a specific provision of the Arkansas Code. Its requirement that a collection agency that has multiple locations have a license for each location is based on A.C.A. 17-24-306's requirement that collection agencies must post surety bonds to obtain and maintain licenses. If there was only one license for multiple locations and there were violations at all those locations there would be only one surety bond to remedy the violations and a surety might not be willing to disburse one bond to cover violations at multiple sites.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9434/Final/Rule_III.pdf				
Granting Variances				ID#: 9445
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: The basis for Rule XIII (which allows the Board's Executive Director to grant a variance from its Rules) is not contained in the Arkansas Code. Granting a variance is not restrictive. It is an accommodation. It allows the Executive Director to interpret the Board's Rules and issue a letter to a business that believes it is not required to be licensed or to a licensee that believes a particular rule does not apply to it and that asks for written confirmation that the Board agrees with its position(s).				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9445/Final/Rule_XIII.pdf				

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Investigations				
				ID#: 9451
Statutory Authority:	17-24-203	10/01/1997	10/01/1997	10/01/1997
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	Rule XIX is based on A.C.A. 17-24-302, -303 and 17-24-307, -308. These address the Board's ability to investigate information contained on license applications, the qualifications of license applicants and the underlying conditions which could allow the Board to revoke, suspend or refuse to issue a license.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9451/Final/Rule_XIX.pdf			
New Hires				
				ID#: 9437
Statutory Authority:	17-24-203	10/01/1997	10/01/1997	10/01/1997
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	Rule VI is based on A.C.A. 17-24-305 (a) which requires a licensee to pay an annual fee for registering each of its employees who solicits and/or attempts to collect debts.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9437/Final/Rule_VI.pdf			
Notice				
				ID#: 9449
Statutory Authority:	17-24-203	10/01/1997	10/01/1997	10/01/1997
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	Rule XVII gives the Board's street address and mailing address for the purpose of service of process. This rule is not mandated by law.			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9449/Final/Rule_XVII.pdf			
Recording of Payments				
				ID#: 9442
Statutory Authority:	17-24-203	10/01/1997	10/01/1997	10/01/1997
<input type="checkbox"/> Required under State or Federal Law:	(none)			
Requirement Statement:	(none)			
Enforce:	Rule X is not based on a provision of the Arkansas Code. Its requirement that a debtor's payment be promptly entered on his/her account protects the debtor's payment history and helps to ensure that the creditor will be paid in a timely manner. Creditors are to be paid in the calendar month following the month in which the money was collected. Not crediting a debtor's payments promptly would allow the collection agency to delay paying its client (i.e., the creditor).			
Subject Matter Committee:	State Agencies & Governmental Affairs Committees			
Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9442/Final/Rule_X.pdf			

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	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Renewals				ID#: 9440
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule VIII is based on A.C.A. 17-24-304 which sets license expiration dates and when a licensee must apply for renewal of its license.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9440/Final/Rule_VIII.pdf				
Restrictions on Communication with Debtors				ID#: 9450
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule XVIII is based on A.C.A. 17-24-307(12) which prohibits a collection agency from contacting a debtor at his/her place of employment unless it has sent a letter to the debtor's "abode" and the mail has not been returned and no answer has been received.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9450/Final/Rule_XVII.pdf				
Termination/Suspension/Revocation of License				ID#: 9438
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule VII summarizes the grounds on which a license may be terminated, suspended or revoked as stated in A.C.A. 17-24-304, -306, and - 307.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9438/Final/Rule_VII.pdf				
Use of Pseudonyms				ID#: 9447
Statutory Authority: 17-24-203	10/01/1997	10/01/1997	10/01/1997	
<input type="checkbox"/> Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce: Rule XV requires a licensee to maintain a listing of the aliases used by its employees when attempting to collect debts. This is not statutorily mandated. However, it is very useful when the Board is investigating a consumer's complaint. For example, a consumer claims it was contacted by a rude collector named "Alfred" at XYZ Collection Agency. If the name "Alfred" is an alias which is not maintained in the licensee's records, XYZ can argue that it has no such employee and, therefore, that the complaint is bogus.				
Subject Matter Committee: State Agencies & Governmental Affairs Committees				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/48/Rules/9447/Final/Rule_XV.pdf				