

**Hall of the House of Representatives**  
**83rd General Assembly - Regular Session, 2001**  
**Amendment Form**

\*\*\*\*\*

**Subtitle of House Bill No. 1841**

"ARKANSAS FAIR COMPETITION ACT."

\*\*\*\*\*

**Amendment No. 1 to House Bill No. 1841.**

Amend House Bill No. 1841 as originally introduced:

Page 2, line 1, delete "with" and substitute "with in"

AND

Page 2, delete lines 3 through 6 and substitute "(2) "Cost" means:

(A) As applied to production, the cost of raw materials, labor, and all overhead expenses of the producer; and

(B) As applied to the distribution, the invoice or replacement cost, whichever is lower, of the product to the distributor and vendor plus the cost of doing business by the distributor and vendor;

(3) "Cost of doing business" or "overhead expense" means all costs incurred in the conduct of business, including but not limited to, labor, rent, which rent shall be fair market value based on current use, interest and borrowed capital, depreciation, selling cost, maintenance of equipment, delivery costs, loss due to breakage or damage, credit card fees or other charges, credit losses and all types of licenses, taxes, insurance, advertising and environmental compliance; and"

AND

Page 2, line 7, delete "(3)" and substitute "(4)"

AND

Page 2, delete line 34 and substitute "competition substantially.

Section 7. Price Differentials and Sales Below Cost.

It is a violation of this act for any person, with the intent of driving out competition or financially injuring a competitor, to:

(1) Offer for sale or sell any product at less than their cost, or to sell or give away any product in a way as to substantially lessen competition or tend to create a monopoly in any line of Arkansas commerce; or

(2)(A) Sell products in any part of this state at prices lower than those exacted by the person elsewhere in this state for like qualities and

grade of the same product, where the effect of the lower prices may be to substantially lessen competition or tend to create a monopoly in any line of Arkansas commerce.

(B) Provided that nothing in this section shall prevent differentials in prices in different localities which make only due allowances for differences in the cost of doing business, overhead expense, or cost of delivery for such product to different localities; nor differences in price in an endeavor made in good faith to meet the legal prices of a competitor selling the same product in the same locality."

AND

Appropriately renumber the subsequent sections

AND

Page 3, delete lines 13 and 14 and substitute "lawfully carrying out its legitimate objectives."

AND

Page 4, delete line 12 and substitute "(1) Obtain declaratory judgment that the act or practice violates the provisions of"

AND

Page 7, delete line 24 and substitute "Laws of the United States or any state.

(g) The Attorney General or the Attorney General's designee may exclude from the place of any examination any person, except the person being examined and that person's counsel under this section."

The Amendment was read \_\_\_\_\_

By: Representative Napper

MG/CPB

VVF079

\_\_\_\_\_  
Chief Clerk