

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

As Engrossed: H1/14/99 H1/19/99 H2/3/99

2 82nd General Assembly

A Bill

3 Regular Session, 1999

HOUSE BILL 1056

4

5 By: Representatives Creekmore, Cook, Hathorn, Jacobs, M. Steele, Womack, House, J. Jeffress, Napper,
6 Davis, Morris, Haak, Bevis, Ammons, Elliott, Allison, Teague, Files, M. Smith, Gillespie, Prater, *Sheppard*,
7 *Milum, Pappas, Lendall, G. Jeffress, Hickinbotham, T. Thomas, Bennett, C. Johnson, Weaver,*
8 *Ferguson, L. Thomas, Carson, Gullett, Harris*

9 By: Senator Webb

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For An Act To Be Entitled

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"AN ACT CONCERNING RESIDENTIAL TELEPHONE SALES
14 COLLECTION PRACTICES; AND FOR OTHER PURPOSES."

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Subtitle

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"AN ACT CONCERNING RESIDENTIAL TELEPHONE
18 SALES COLLECTION PRACTICES."

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. (a) No person who calls a residential phone number for the
24 purpose of offering merchandise for sale shall dispatch a courier or other
25 individual to the residence to collect payment before the consumer has
26 inspected the merchandise.

27 (b) It shall be unlawful for any person who calls a residential phone
28 number for the purpose of offering a prize to a consumer to dispatch a courier
29 or other individual to the consumer's home for the purpose of collecting any
30 fees or costs of any kind from the consumer.

31 (c) A violation of this act shall be a Class A misdemeanor.

32 (d) A violation of the provisions of this section shall constitute an
33 unfair and deceptive act or practice as defined by the Deceptive Trade
34 Practices Act, beginning at Arkansas Code 4-88-101. All remedies, penalties
35 and authority granted to the Attorney General under the Deceptive Trade
36 Practices Act shall be available to the Attorney General for the enforcement

1 of this section.

2 (e) Nothing in this section limits the rights or remedies which are
3 otherwise available to the consumer under any other law.

4 (f) The obligations under this section are cumulative and should in no
5 way be deemed to limit the obligations imposed under any other law.

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7 SECTION 2. All provisions of this Act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this Act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the Act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 Act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this Act are
18 hereby repealed.

19 /s/ Creekmore, et al

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