

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

State of Arkansas

As Engrossed: H3/18/99 H3/26/99

82nd General Assembly

A Bill

Regular Session, 1999

HOUSE BILL 2000

By: Representative Lynn

For An Act To Be Entitled

"AN ACT TO REQUIRE SOLICITORS FOR ADVERTISEMENTS ON SCHOOL CALENDARS TO MAKE CERTAIN DISCLOSURES; AND FOR OTHER PURPOSES. "

Subtitle

"AN ACT TO REQUIRE SOLICITORS FOR ADVERTISEMENTS ON SCHOOL CALENDARS TO MAKE CERTAIN DISCLOSURES. "

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

SECTION 1. Definitions.

As used in this act:

(1) "Person" shall have the same meaning as provided in Arkansas Code 4-88-102 (3); and

(2) "School calendar" means a poster or other printed material that depicts a school mascot, emblem, or name in conjunction with an athletic event or schedule.

SECTION 2. Violations.

(a) Nothing in this act shall be construed to permit an activity otherwise prohibited by law.

(b) Any person who solicits advertisements for school calendars must disclose whether or not the school whose name, emblem or mascot is used will receive any funds as a result of the solicitation, and if so, what percentage or amount of those funds the school will receive.

(c) If the school whose name, emblem or mascot is used will not receive

1 a percentage of any funds raised, the person making the solicitation must
2 clearly and conspicuously disclose, both orally and in writing, at the time
3 the person makes the solicitation, that the school will not receive a
4 percentage of any funds raised.

5
6 SECTION 3. A violation of this act shall constitute a violation of
7 Title 4, Chapter 8, subchapter 1 of the Arkansas Code pertaining to the
8 Deceptive Trade practices. All remedies, penalties, and authority granted to
9 the Attorney General under Title 4, Chapter 8, subchapter 1 of the Arkansas
10 Code shall be available to the Attorney General for the enforcement of this
11 act.

12
13 SECTION 4. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

16
17 SECTION 5. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

22
23 SECTION 6. All laws and parts of laws in conflict with this act are
24 hereby repealed.

25
26 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
27 Eighty-second General Assembly that Arkansas consumers must be provided with
28 all relevant information necessary to make an informed decision concerning
29 school calendar solicitations due to the prevalence of misleading
30 solicitations that ultimately harm legitimate school fund raising efforts.
31 Therefore, an emergency is declared to exist and this act being immediately
32 necessary for the preservation of the public peace, health and safety shall
33 become effective on the date of its approval by the Governor. If the bill is
34 neither approved nor vetoed by the Governor, it shall become effective on the
35 expiration of the period of time during which the Governor may veto the bill.
36 If the bill is vetoed by the Governor and the veto is overridden, it shall

become effective on the date the last house overrides the veto.

/s/ Lynn