

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
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/29/99

A Bill

HOUSE BILL 2207

5 By: Representative Ferrell
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 4-88-107 TO INCLUDE
10 USURIOUS CONTRACTS; AND FOR OTHER PURPOSES."
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Subtitle

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13 "TO AMEND ARKANSAS CODE 4-88-107 TO
14 INCLUDE USURIOUS CONTRACTS."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 4-88-107 is amended to read as follows:

21 "4-88-107. Deceptive and unconscionable trade practices generally.

22 (a) Deceptive and unconscionable trade practices made unlawful and
23 prohibited by this chapter include, but are not limited to, the following:

24 (1) Knowingly making a false representation as to the
25 characteristics, ingredients, uses, benefits, alterations, source,
26 sponsorship, approval, or certification of goods or services, or as to whether
27 goods are original or new, or of a particular standard, quality, grade, style,
28 or model;

29 (2) Disparaging the goods, services, or business of another by
30 false or misleading representation of fact;

31 (3) Advertising the goods or services with the intent not to sell
32 them as advertised;

33 (4) Refusal of a retailer to deliver to a customer purchasing any
34 electronic or mechanical apparatus the record of warranty and statement of
35 service availability which the manufacturer includes in the original carton or
36 container of the product or the refusal to make available, on request,

1 information relating thereto;

2 (5) The employment of bait-and-switch advertising, consisting of
3 an attractive but insincere offer to sell a product or service which the
4 seller in truth does not intend or desire to sell, evidenced by a refusal to
5 show or disparagement of the advertised product, the requirement of a tie-in
6 sale or other undisclosed conditions precedent to the purchase, demonstrating
7 a defective product, or other acts demonstrating an intent not to sell the
8 advertised product or services;

9 (6) Knowingly failing to identify flood, water, fire, or
10 accidentally damaged goods as to such damages;

11 (7) Making a false representation that contributions solicited
12 for charitable purposes shall be spent in a specific manner or for specified
13 purposes;

14 (8) Knowingly taking advantage of a consumer who is reasonably
15 unable to protect his or her interest because of physical infirmity,
16 ignorance, illiteracy, inability to understand the language of the agreement,
17 or a similar factor;

18 (9) The offering for sale, assembly, or drafting of any trust
19 document, including a living trust, by a nonlawyer, excluding the marketing,
20 assembly, and funding by bank trust departments and trust companies; ~~and~~

21 (10) Engaging in any other unconscionable, false, or deceptive
22 act or practice in business, commerce, or trade-; and

23 (11) Knowingly charging or attempting to charge a usurious rate
24 of interest in financing contracts or other consumer transactions.

25 (b) The deceptive and unconscionable trade practices listed in this
26 section are in addition to and do not limit the types of unfair trade
27 practices actionable at common law or under other statutes of this state.”

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29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 4. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/ Ferrell

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