

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H1/24/05

A Bill

HOUSE BILL 1105

5 By: Representatives Bond, Harrelson, D. Johnson, Thompson
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For An Act To Be Entitled

9 AN ACT TO AMEND § 4-88-101 CONCERNING DECEPTIVE
10 TRADE PRACTICES; AND FOR OTHER PURPOSES.

Subtitle

12 AN ACT TO AMEND § 4-88-101 CONCERNING
13 DECEPTIVE TRADE PRACTICES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 4-88-101 is amended to read as follows:
20 4-88-101. Applicability of chapter.

21 (a) This chapter does not apply to:

22 (1) Advertising or practices which are subject to and which
23 comply with any rule, ~~order~~, or statute ~~administered~~ enforced by the Federal
24 Trade Commission. However, all actions or transactions prohibited by the
25 Federal Trade Commission or about which the Federal Trade Commission rules or
26 statutes remain silent are subject to this chapter;

27 (2) Broadcasters, printers, publishers, and other persons
28 engaging in the dissemination of information who do not have actual knowledge
29 of the intent, design, purpose, or deceptive nature of the advertising or
30 practice;

31 (3) *Actions or transactions permitted under laws administered by*
32 *the Insurance Commissioner, the Securities Commissioner, the State Highway*
33 *Commission, the Bank Commissioner, or other regulatory body or officer acting*
34 *under statutory authority of this state or the United States, unless a*
35 *director of these divisions specifically requests the Attorney General to*
36 *implement the powers of this chapter. However, all actions or transactions*



1 about which a regulatory body remains silent, remain subject to this chapter;
2 or

3 (4) Actions or transactions of a public utility which have been
4 authorized by the Arkansas Public Service Commission, a municipal authority,
5 the Federal Energy Regulatory Commission, the Federal Communications
6 Commission, or other regulatory body or officer acting under statutory
7 authority of the United States.

8 (b) A person who claims under subsection (a) of this section that this
9 chapter does not apply to the person's advertising, practices, actions, or
10 transactions has the burden of proving the nonapplicability of this chapter.

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/s/ Bond, et al