

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/20/03

A Bill

HOUSE BILL 2580

5 By: Representative Creekmore
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE DISPLAYING OF FICTITIOUS
10 NAMES AND TELEPHONE NUMBERS ON CALLER
11 IDENTIFICATION SERVICES; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO PROHIBIT THE DISPLAYING OF
14 FICTITIOUS NAMES AND TELEPHONE NUMBERS
15 ON CALLER IDENTIFICATION SERVICES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 4-88-102, concerning definitions regarding
22 deceptive trade practices, is amended to add a new subdivision to read as
23 follows:

24 (8) "Caller identification service" means a service offered by a
25 telecommunications provider that provides caller identification information
26 to a device capable of displaying the information.
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28 SECTION 2. Arkansas Code § 4-88-107(a), concerning deceptive and
29 unconscionable trade practices, is amended to add a new subdivision as
30 follows:

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

33 (1) Knowingly making a false representation as to the
34 characteristics, ingredients, uses, benefits, alterations, source,
35 sponsorship, approval, or certification of goods or services, or as to
36 whether goods are original or new, or of a particular standard, quality,



1 grade, style, or model;

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

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

6 (4) Refusal of a retailer to deliver to a customer purchasing
7 any electronic or mechanical apparatus the record of warranty and statement
8 of service availability which the manufacturer includes in the original
9 carton or container of the product or the refusal to make available, on
10 request, information relating thereto;

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

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

20 (7) Making a false representation that contributions solicited
21 for charitable purposes shall be spent in a specific manner or for specified
22 purposes;

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

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

30 (10) Engaging in any other unconscionable, false, or deceptive
31 act or practice in business, commerce, or trade; and

32 (11)(A) Displaying or causing to be displayed a fictitious or
33 misleading name or telephone number on an Arkansas resident's telephone
34 caller identification service.

35 (B) Subdivision (a)(11)(A) of this section does not apply
36 to the transmission of caller identification service by a telecommunications

1 provider.

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3 SECTION 3. Arkansas Code § 4-99-103, regarding definitions relating to
4 the regulation of telephonic sellers, is amended to add a new subdivision as
5 follows:

6 (9) "Caller identification service" means a service offered by a
7 telecommunications provider that provides caller identification information
8 to a device capable of displaying the information.

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10 SECTION 4. Arkansas Code § 4-99-108, concerning information to be
11 provided to a prospective purchaser when a telephonic seller represents or
12 implies that in conjunction with the sale, a purchaser will receive at no
13 charge a gift, premium, bonus, prize, or award, is amended to add a new
14 subsection to read as follows:

15 (c)(1) No telephonic seller under this section shall display or cause
16 to be displayed a fictitious or misleading name or telephone number on an
17 Arkansas resident's telephone caller identification service.

18 (2) Subdivision (c)(1) of this section does not apply to the
19 transmission of caller identification service by a telecommunications
20 provider.

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22 SECTION 5. Arkansas Code § 4-99-201 is amended to read as follows:

23 4-99-201. Caller identification - Information offered - Penalty for
24 violation.

25 (a)(1) Any person who on behalf of any charity, business, or
26 organization calls a residential phone number for the purpose of soliciting
27 or requesting a contribution or to offer goods or services shall immediately
28 disclose to the person contacted:

29 (A) The caller's identity and the identity of the person
30 or organization on whose behalf the telephone call is being made; and

31 (B) The purpose of the telephone call, including a brief
32 description of the goods or services to be offered.

33 (2) If the person receiving the telephone call indicates that he
34 or she does not want to hear about the charity, goods, or services, the
35 caller shall not attempt to provide additional information during that
36 conversation about the charity, goods, or services.

1 (b) A violation of this section shall be a Class A misdemeanor.

2 (c)(1) A violation of the provisions of this section shall constitute
3 an unfair and deceptive act or practice as defined by the Deceptive Trade
4 Practices Act, § 4-88-101 et seq.

5 (2) All remedies, penalties, and authority granted to the
6 Attorney General under the Deceptive Trade Practices Act, § 4-88-101 et seq.,
7 shall be available to the Attorney General for the enforcement of this
8 section.

9 (3) No person under subdivision (a)(1) of this section shall
10 display or cause to be displayed a fictitious or misleading name or telephone
11 number on an Arkansas resident's telephone caller identification service.

12 (d) Nothing in this section limits the rights or remedies which are
13 otherwise available to a consumer under any other law.

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

16 (f) For purposes of this section, "caller identification service"
17 means" a service offered by a telecommunications provider that provides
18 caller identification information to a device capable of displaying the
19 information.

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21 SECTION 6. Arkansas Code § 4-99-302 is amended to read as follows:
22 4-99-302. Prohibition.

23 (a)(1) It is a violation of this subchapter for any person to make or
24 transmit a telephone solicitation while using any method, including, but not
25 limited to, per call blocking or per line blocking, that prevents caller
26 identification information for the telephone solicitor's lines used to make
27 telephone calls to a consumer from being shown by a device capable of
28 displaying caller identification information.

29 (2)(A) It is a violation of this subchapter for any person
30 making or transmitting a telephone solicitation by any method to display or
31 cause to be displayed a fictitious or misleading name or telephone number on
32 an Arkansas resident's telephone caller identification service.

33 (B) Subdivision (a)(2)(A) of this section does not apply
34 to the transmission of caller identification service by a telecommunications
35 provider.

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/s/ Creekmore