

Act 44 of the 1989 Regular Session.

Act 44

HB1176

By: Representative D. Roberts, Willems, Dietz

"AN ACT TO AMEND THE ARKANSAS TIME-SHARE ACT TO PROVIDE THAT INTEREST EARNED ON ANY FUNDS DEPOSITED WITH OR FOR THE BENEFIT OF THE ARKANSAS REAL ESTATE COMMISSION UNDER SAID ACT SHALL ACCRUE TO THE BENEFIT OF THE REAL ESTATE RECOVERY FUND; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Annotated 18-14-202 is hereby amended by adding thereto a new section which shall read as follows:

"(h) Any interest earned on any bond or substitute therefor, whether cash, certificate of deposit, bank account, security, or other instrument, while on deposit with, or for the benefit of, the agency shall become the separate property of the agency and shall be deposited to the Real Estate Recovery Fund as created by Arkansas Code Annotated 17-35-403."

SECTION 2. Arkansas Code Annotated 18-14-407(b) is hereby amended to read as follows:

"(b) In lieu of any escrows required by this section, the agency shall have the discretion to accept other financial assurances including, but not limited to, a surety bond, an irrevocable letter of credit, or a cash deposit in an amount equal to the escrow requirements of this section. Interest earned on any such bond or other deposit while deposited with, or for the benefit of the agency shall become the property of the agency and shall be deposited in the Arkansas Real Estate Recovery Fund created by Arkansas Code Annotated 17-35-403."

SECTION 3. Arkansas Code Annotated 18-14-408(a)(3) is hereby amended to read as follows:

"(3) In lieu of any escrows required by this section, the agency shall have the discretion to accept other financial assurances including, but not limited to, a performance bond or an irrevocable letter of credit in an amount equal to the cost to complete the time-share project. Interest earned on any such bond, letter of credit, deposit or other instrument while deposited with, or for the benefit of, the agency shall become the separate property of the agency and shall be deposited in the Arkansas Real Estate Recovery Fund created by Arkansas Code Annotated 17-35-403."

SECTION 4. The Arkansas Real Estate Commission may promulgate such regulations as it deems necessary for the implementation of this act.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: February 13, 1989

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