

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.

Act 1840 of the Regular Session

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

As Engrossed: H2/16/05 S3/29/05

A Bill

HOUSE BILL 1377

5 By: Representative Verkamp
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For An Act To Be Entitled

9 AN ACT TO LIMIT THE LIABILITY OF AN AGENT FOR
10 SERVICE OF PROCESS UNDER A SYSTEMATIC RESIDENTIAL
11 RENTAL PROPERTY INSPECTION PROGRAM; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO LIMIT THE LIABILITY OF AN
15 AGENT FOR SERVICE OF PROCESS UNDER A
16 SYSTEMATIC RESIDENTIAL RENTAL PROPERTY
17 INSPECTION PROGRAM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 17-42-107, concerning the capacity of
24 licensees to sue and be sued, is amended to add an additional subsection to
25 read as follows:

26 (c)(1) As used in this subsection (c), "systematic residential rental
27 property inspection program" means a program that requires all persons who
28 reside outside of the State of Arkansas and are owners of residential rental
29 property located within the corporate limits of a municipality in this state
30 to designate an agent for service of process.

31 (2) In any municipality that has established a systematic
32 residential rental property inspection program, a licensee as defined under §
33 17-42-103 shall not have criminal or civil liability to the municipality, the
34 nonresident owner, or otherwise for any action or inaction of the
35 municipality or owner:



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(A) When acting as an agent for service of process for a nonresident owner;

(B) Arising from the agent's performance of duties as the agent for service of process; and

(C) If within three (3) business days of receipt of service of process or at other times established by ordinance in effect as of the effective date of this subsection (c), the licensee sends the service of process to the last known address of the nonresident owner.

(3) This subsection supersedes any provision of common law to the contrary.

/s/ Verkamp

APPROVED: 04/08/2005

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