

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 671034

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO AMEND ACT 58 OF 1989 TO CLARIFY THAT FACSIMILE COPIES SHALL BE DEEMED RECEIVED BY THE COURT CLERK ON THE DATE AND TIME PRINTED THEREON; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 58 of 1989 is hereby amended to read as follows:

"SECTION 1. (a) Any court clerk of a court of record may accept facsimile copies transmitted over telephone lines for filing as pleadings in cases provided such pleadings are either transmitted onto bond type paper which can be preserved for a period of at least ten (10) years or transmitted onto non-bond paper if an original is to be substituted for the facsimile copy within ten (10) days of transmission and the required number of copies is transmitted as required by court rule.

(b) Any signature appearing on a facsimile copy of a court pleading shall be presumed to be authentic until proven otherwise.

(c) A facsimile copy of a court pleading shall be deemed received and filed by the court clerk when it is transmitted and received on the court clerk's facsimile machine without regard to the hours of operation of the clerk's office. The date and time printed by the court clerk's facsimile machine on the transmitted copy of a court pleading shall be prima facie evidence of the date and time of the filing until proven otherwise."

SECTION 2. 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 3. All laws and parts of laws in conflict with this act are

hereby repealed.