

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/11/19

A Bill

SENATE BILL 408

5 By: Senator M. Pitsch
6 By: Representatives Vaught, D. Douglas
7

For An Act To Be Entitled

9 AN ACT CONCERNING DISCLOSURE REQUIREMENTS FOR REAL
10 ESTATE TRANSACTIONS; TO REQUIRE THE DISCLOSURE OF
11 AGRICULTURAL OPERATIONS NEAR REAL PROPERTY LOCATED IN
12 A RURAL AREA; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 CONCERNING DISCLOSURE REQUIREMENTS FOR
16 REAL ESTATE TRANSACTIONS; TO REQUIRE THE
17 DISCLOSURE OF AGRICULTURAL OPERATIONS
18 NEAR REAL PROPERTY LOCATED IN A RURAL
19 AREA.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 18, Chapter 11, Subchapter 1, is
26 amended to add an additional section to read as follows:

27 18-11-107. Required disclosure by closing agent.

28 (a) As used in this section:

29 (1) "Agricultural operation" means an agricultural,
30 silvicultural, or aquacultural facility or pursuit conducted, in whole or in
31 part, including:

32 (A) The care and production of livestock and livestock
33 products, poultry and poultry products, apiary products, and plant and animal
34 production for nonfood uses;

35 (B) The planting, cultivating, harvesting, and processing
36 of crops and timber; and



1 (C) The production of any plant or animal species in a
2 controlled freshwater or saltwater environment; and

3 (2) "Closing agent" means a person that facilitates a closing.

4 (b) A closing agent shall provide a written disclosure statement
5 before or at the time of closing a real estate transaction that makes a buyer
6 of real property aware that:

7 (1) The real property may be located within or near a rural
8 area; and

9 (2) Agricultural operations on real property nearby are
10 protected under § 2-4-101 et seq, and shall not be found to be a public or
11 private nuisance if the agricultural operation employs methods or practices
12 that are commonly or reasonably associated with agricultural production.

13 (c) A cause of action shall not arise against and liability shall not
14 be imposed upon a closing agent or a closing agent's employer due to a
15 failure to provide a buyer of real property the written disclosure statement
16 required under subsection (b) of this section.

17
18
19 /s/M. Pitsch

20
21
22 **APPROVED: 3/19/19**