

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1768

5 By: Representative Cozart
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE NOTICE OF A
10 LIEN UPON RESIDENTIAL REAL ESTATE; TO CLARIFY THE
11 MEANING OF A DIRECT SALE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE NOTICE OF
16 A LIEN UPON RESIDENTIAL REAL ESTATE; AND
17 TO CLARIFY THE MEANING OF A DIRECT SALE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 18-44-115(a)(8), concerning the notice
23 required for a lien upon residential real estate, is amended to read as
24 follows:

25 (8)(A) If the residential contractor supplies a performance and
26 payment bond or if the transaction is a direct sale to the property owner,
27 the notice requirement of this subsection shall not apply, and the lien
28 rights arising under this subchapter shall not be conditioned on the delivery
29 and execution of the notice.

30 (B) A sale shall be a direct sale only if+

31 ~~(i) The the property owner orders materials or~~
32 ~~services from the lien claimant; and~~

33 ~~(ii) The lien claimant is not a home improvement~~
34 ~~contractor as defined by § 17-25-502(1) or a residential building contractor~~
35 ~~as defined by § 17-25-502(2).~~
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