

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H1/29/97 S3/6/97

A Bill

ACT 874 OF 1997
HOUSE BILL 1226

5 By: Representative Angel
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 16-20-109 TO PROVIDE THAT
10 ALL ORIGINAL PLEADINGS MAILED TO THE COURT CLERK AFTER
11 HAVING BEEN PREVIOUSLY FILED BY FACSIMILE MACHINE SHALL
12 CONTAIN THE WORDS FAX SENT ; AND FOR OTHER PURPOSES."
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Subtitle

14 "TO REQUIRE ALL ORIGINAL PLEADINGS
15 MAILED TO THE COURT CLERK AFTER
16 PREVIOUSLY BEING FILED BY FAX MACHINE
17 SHALL CONTAIN THE WORDS FAX SENT ."
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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 § 16-20-109 is amended to read as follows:
23 "16-20-109. Facsimile copies telephoned as pleadings.

24 (a) Any court clerk of a court of record may accept facsimile copies
25 transmitted over telephone lines for filing as pleadings in cases, provided
26 such pleadings are ~~either~~ transmitted onto bond-type paper which can be
27 *preserved for a period of at least ten (10) years* ~~or transmitted onto nonbond~~
28 ~~paper if an original is to be substituted for the facsimile copy within ten~~
29 ~~(10) days of transmission and the required number of copies is transmitted as~~
30 ~~required by court rule.~~

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

33 (c) A facsimile copy of a court pleading shall be deemed received and
34 filed by the court clerk when it is transmitted to the proper office and
35 received on the court clerk's facsimile machine without regard to the hours of
36 operation of the clerk's office. The date and time printed by the court

1 clerk's facsimile machine on the transmitted copy of a court pleading shall be
2 prima facie evidence of the date and time of the filing until proven
3 otherwise."

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5 SECTION 2. All provisions of this act of general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. If any provisions of this act or the application thereof to
10 any person or circumstance is held invalid, the invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provisions or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 /s/Rep. Angel

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20 APPROVED: 3-27-97

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