

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 695 of 1999  
SENATE BILL 597

5 By: Senator Webb  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE 18-45-202 RELATING TO  
10 PRIORITY OF LIENS OF VEHICLE REPAIRMEN AND  
11 BLACKSMITHS; AND FOR OTHER PURPOSES. "  
12

## Subtitle

13  
14 "AMEND ARKANSAS CODE 18-45-202 RELATING  
15 TO PRIORITY OF LIENS OF VEHICLE  
16 REPAIRMEN AND BLACKSMITHS. "  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 18-45-202 is amended to read as follows:

22 "18-45-202. Priority of lien.

23 (a) The lien provided for in this subchapter shall take precedence  
24 over, and be superior to, any mortgage or other obligation attaching against  
25 the property in all cases where the holder of the mortgage or other obligation  
26 shall permit the property to remain in the possession of and be used by the  
27 person owing and bound for the amount thereof.

28 (b) The lien provided for in this subchapter shall be subject to the  
29 perfected lien of a financial institution or vendor of automobiles, trucks,  
30 tractors, and all other motor-propelled conveyances ~~retaining title therein,~~  
31 for any claim for balance of purchase money due thereon.

32 (c) The lien shall not take precedence over a bona fide purchaser for  
33 value of any automobile, truck, tractor, and other motor-propelled conveyances  
34 without either actual or constructive notice."  
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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 act are declared to be severable.

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

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13 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
14 Eighty-second General Assembly that current laws regarding blacksmiths' liens  
15 and liens of vehicle repairmen are vague and indefinite in certain  
16 applications; that the vagueness of those laws results in disagreement and  
17 litigation; that this act is designed to clarify such laws and should be given  
18 effect immediately to avoid further confusion and disagreement. Therefore, an  
19 emergency is declared to exist and this act being immediately necessary for  
20 the preservation of the public peace, health and safety shall become effective  
21 on the date of its approval by the Governor. If the bill is neither approved  
22 nor vetoed by the Governor, it shall become effective on the expiration of the  
23 period of time during which the Governor may veto the bill. If the bill is  
24 vetoed by the Governor and the veto is overridden, it shall become effective  
25 on the date the last house overrides the veto.

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28 \_\_\_\_\_ APPROVED: 3/17/1999