

1 State of Arkansas *As Engrossed: S2/3/15 H3/5/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 181

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5 By: Senator E. Williams

6 By: Representatives Lemons, Johnson

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## For An Act To Be Entitled

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*AN ACT TO REGULATE FOUNDATION REPAIR CONTRACTS; AND  
FOR OTHER PURPOSES.*

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## Subtitle

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*TO REGULATE FOUNDATION REPAIR CONTRACTS.*

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

18

19 SECTION 1. Arkansas Code Title 4, Chapter 75, is amended to add an  
20 additional subchapter to read as follows:

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### Subchapter 10 – Foundation Repair Contracts Act

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23 4-75-1001. Title.

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This subchapter shall be known and may be cited as the "Foundation  
25 Repair Contracts Act".

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27 4-75-1002. Purpose.

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The purpose of this subchapter is to ensure fair and reasonable  
29 regulation of foundation repair contracts to prevent misleading and deceptive  
30 business practices in the performance of a foundation repair contract.

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32 4-75-1003. Definitions.

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As used in this section:

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(1) "Contractor" means a person or an entity that repairs or has  
35 repaired the foundation of a single-family dwelling;

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(2) "Foundation repair contract" means a written contract



1 between a homeowner and a contractor to repair the foundation of a single-  
2 family dwelling;

3 (3) "Homeowner" means the initial owner and any subsequent owner  
4 of a single-family dwelling; and

5 (4) "Single-family dwelling" means a dwelling constructed for  
6 habitation by one (1) to four (4) families.

7  
8 4-75-1004. Foundation repair contract requirements.

9 A foundation repair contract shall contain the:

10 (1) Legal description and street address of the single-family  
11 dwelling; and

12 (2) Names and addresses of the parties to the contract.

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14 4-75-1005. Enforceability.

15 A foundation repair contract is enforceable by a homeowner against a  
16 contractor for the time specified in the foundation repair contract.

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18 4-75-1006. Civil remedies.

19 If a homeowner successfully files suit to obtain a remedy authorized by  
20 this subchapter, the homeowner shall recover:

21 (1) The amount of the cost to repair the foundation, remediate  
22 any defects, and reconstruct the structural damage resulting from a defect in  
23 a single-family dwelling's foundation; and

24 (2) Court costs and a reasonable attorney's fee.

25  
26 */s/E. Williams*

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29 **APPROVED: 03/25/2015**