

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1376

5 By: Representatives Lemons, Lynch, B. Smith, Holcomb, Rushing, Baltz, Burch, Capp, Dotson,
6 Henderson, McNair, Rye, Sorvillo, Speaks, Vaught
7 By: Senator E. Williams
8

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE DUTIES OF A JUSTICE OF THE
10 PEACE; AND FOR OTHER PURPOSES.
11
12
13

Subtitle

14 TO CLARIFY THE DUTIES OF A JUSTICE OF THE
15 PEACE.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-16-117 is amended to read as follows:
22 14-16-117. Controlled burns.

23 A property owner in an unincorporated area of a county may conduct a
24 controlled burn of a residence or structure on the property owner's property
25 in the county if:

26 (1) The property owner applies to the ~~quorum-court~~ county judge
27 of that county and the fire department that is responsible for providing fire
28 protection services for the property for approval to conduct the controlled
29 burn;

30 (2) The application under subdivision (1) of this section is
31 approved by the ~~quorum-court~~ county judge and the fire department; and

32 (3) Before the approval under subdivision (2) of this section,
33 the property owner demonstrates to the ~~quorum-court~~ county judge and the fire
34 department that:

35 (A) The property owner has complied with applicable state
36 and federal environmental laws and regulations regarding asbestos abatement;



1 (B) The property owner ensures that the residence or
 2 structure is free of asbestos-containing materials, is free of contents, and
 3 otherwise demonstrates compliance with applicable state and federal
 4 environmental laws and regulations regarding hazardous wastes; and

5 (C) Provisions are made for the proper disposal of any
 6 remaining debris.

7
 8 SECTION 2. Arkansas Code § 18-45-101(b), concerning liens, is amended
 9 to read as follows:

10 (b) Lienholders shall give a bond in the sum to be fixed by a
 11 ~~justice of the peace or circuit judge~~ court with proper jurisdiction before
 12 they shall proceed to sell, by proceeding in accordance with the requirements
 13 of this section.

14
 15 SECTION 3. Arkansas Code § 18-45-205 is amended to read as follows:
 16 18-45-205. Filing of notice and bond required.

17 (a)(1) The lienholder shall file with ~~one (1) of the justices of the~~
 18 ~~peace in the township~~ the circuit court having jurisdiction where his or her
 19 place of business is located a notice similar to the ones required in § 18-
 20 45-204 to be posted.

21 (2) The ~~justice~~ circuit court shall note upon the notice the
 22 amount of a bond for the protection of the debtor or property owner in the
 23 event the lienholder is not entitled to the lien and for the payment of any
 24 damages if the sale is wrongfully made.

25 (b) The lienholder shall file a bond so conditioned and in such sum
 26 with the ~~justice of the peace~~ circuit court, and the surety thereon shall be
 27 approved by the ~~justice of the peace~~ circuit court before making the sale
 28 provided for in this subchapter.

29
 30 SECTION 4. Arkansas Code § 20-19-102 is amended to read as follows:
 31 20-19-102. Injuries to domesticated animals by dogs -- Definition.

32 (a)(1) ~~Domesticated~~ As used in this section, "domesticated animals"
 33 includes, but is not limited to, sheep, goats, cattle, swine, and poultry.

34 (2) ~~Any~~ A person owning or having in possession or under control
 35 ~~any a~~ any a dog ~~shall be is~~ is liable ~~in~~ for damages to the owner or owners of ~~any a~~
 36 domesticated ~~animals~~ animal killed or injured by the dog ~~in~~ for the full

1 value of the domesticated animal killed or injured.

2 (b)(1) ~~Any~~ A person engaged in raising domesticated animals or owning
 3 ~~any~~ domesticated animals who ~~shall sustain any~~ sustains a loss or ~~damages~~
 4 damage to any of his or her ~~or their~~ domesticated animals by ~~any a~~ dog shall
 5 ~~have~~ has a right of action against the owner, ~~person~~ possessor, or controller
 6 of the dog.

7 (2) ~~Any~~ A person knowing that ~~any a~~ dog has killed or is about
 8 to catch, injure, or kill ~~any a~~ domesticated animal shall ~~have~~ has the right
 9 to kill the dog, without ~~in any way being liable~~ liability to the owner of
 10 the dog ~~in any courts of this state~~.

11 (c) The person sustaining loss or damage ~~as mentioned in~~ under
 12 subsection (b) of this section and desiring remuneration ~~therefor~~ may go
 13 before ~~some justice of the peace of the county wherein~~ the circuit court or
 14 district court having jurisdiction where the loss or damage occurred and ~~make~~
 15 ~~oath of the character of~~ allege the loss or damage sustained, the value of
 16 the loss or damage, ~~the dog or dogs, and the owner, possessor, or controller~~
 17 ~~of the dog and file the same~~ and the identity of the dog and the dog's owner,
 18 possessor, or controller by filing a complaint with the ~~justice of the peace,~~
 19 ~~who shall issue~~ circuit court or district court having jurisdiction as
 20 permitted by the Arkansas Rules of Civil Procedure, which under the rules may
 21 issue a summons ~~stating the nature of the plaintiff's claim, the amount~~
 22 ~~claimed, and the cost accrued, which shall be served and returned as in~~
 23 ~~ordinary actions~~ to the defendant to appear in the circuit court or district
 24 court having jurisdiction and answer the allegations.

25 (d)(1) ~~If the defendant shall pay to the officer serving the summons~~
 26 ~~the amount of damages claimed, the costs endorsed, and a further fee to the~~
 27 ~~officer of twenty five cents (25¢) for making the return, the summons shall~~
 28 ~~be returned satisfied, and no further proceedings had.~~

29 (2) ~~If the defendant fails, neglects, or refuses to pay that~~
 30 ~~amount, the justice of the peace shall try the cause as in other ordinary~~
 31 ~~actions and give judgment in favor of the plaintiff for the amount proved in~~
 32 ~~the cause, for which the defendant may be liable under this section.~~

33 (e) ~~In a second suit and recovery by any plaintiff against the same~~
 34 ~~defendant on account of killing or injury done by the same dog, the justice~~
 35 ~~of the peace shall render judgment for double the amount of damages proven.~~

36 APPROVED: 03/01/2017