

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

A Bill

HOUSE BILL 1750

5 By: Representative Cozart
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For An Act To Be Entitled

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

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

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

29 (B) A sale shall be a direct sale only if:

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

32 (ii) The lien claimant is not a home improvement
33 contractor as defined by § 17-25-502(2) or a residential building contractor
34 as defined by § 17-25-502(3).

35 APPROVED: 04/01/2017
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