

1 State of Arkansas *As Engrossed: H1/26/21 S2/8/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1183

4

5 By: Representative Underwood

6 By: Senator B. Ballinger

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN COUNTY
10 ELECTRONIC PAYMENTS AND FILE MAINTENANCE; AND FOR
11 OTHER PURPOSES.

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Subtitle

15

TO AMEND THE LAW CONCERNING CERTAIN
16 COUNTY ELECTRONIC PAYMENTS AND FILE
17 MAINTENANCE.

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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 § 14-15-401(b), concerning the general duties
23 of a county recorder, is amended to read as follows:

24 (b) The county recorder:

25 (1) Shall ~~duly~~ attend to the duties of the county recorder's
26 office;

27 (2) Shall provide and keep in the county recorder's office well-
28 bound books in which the county recorder shall record in a fair and legible
29 hand all instruments of writing authorized or required to be recorded in the
30 manner provided; ~~and~~

31 (3)(A) May implement electronic filing and searching provisions
32 and procedures under the Uniform Real Property Electronic Recording Act, §
33 14-2-301 et seq.

34 (B) Unless a county recorder has implemented the Uniform
35 Real Property Electronic Recording Act, § 14-2-301 et seq., the transmission
36 of an electronic document to the county recorder has no legal effect.



1 (C) A person that seeks to record an electronic document is
2 solely responsible for determining if a county recorder has implemented the
3 Uniform Real Property Electronic Recording Act, § 14-2-301 et seq.; and

4 (4)(A) May accept payment by an approved credit card or debit
5 card of:

6 (i) Recorder's fees under § 21-6-306; or

7 (ii) Fees otherwise authorized under Arkansas law.

8 (B)(i) The county may enter into contracts with credit
9 card companies or debit card companies and pay those companies fees normally
10 charged by those companies for allowing the county recorder to accept the
11 companies' credit cards or debit cards in payment under this section.

12 (ii) When a person seeks to pay recorder's fees by
13 an approved credit card or debit card, the county recorder shall assess the
14 payor a transaction fee equal to the amount charged to the county by the
15 credit card or debit card company.

16 (C)(i) A county may enroll for service with and accept
17 payments from a third-party entity for the acceptance and collection of
18 recorder's fees and associated costs with an approved credit card or debit
19 card for which the third-party entity may charge the payor a transaction fee.

20 (ii) The State of Arkansas and political
21 subdivisions shall not charge a transaction fee for electronic payments of a
22 recorder's fee paid through a third-party entity.

23
24 SECTION 2. Arkansas Code § 16-13-705(a), concerning the payment of
25 circuit court fines by personal checks, is amended to read as follows:

26 (a) ~~The A district~~ court shall and a circuit court may accept personal
27 checks drawn in the favor of a designated official, as provided in § 16-13-
28 709, in payment of any fine or associated charge assessed by the district
29 court or circuit court if the person issuing the check furnishes satisfactory
30 proof of residence in this state and if the personal check is drawn on a
31 banking institution located in this state.

32
33 SECTION 3. Arkansas Code § 18-46-115 is amended to read as follows:
34 18-46-115. Records of liens and releases.

35 (a)(1) ~~The clerk of the circuit court in each county shall maintain,~~
36 ~~at the expense of the county, a file designated and labeled "Medical,~~

1 ~~Nursing, Hospital, and Ambulance Service Provider Liens", and an appropriate~~
 2 ~~and sufficient book record and index of the liens, properly labeled~~ At the
 3 expense of the county, the clerk of the circuit court in each county shall
 4 maintain a book record that is both designated and labeled "Medical, Nursing,
 5 Hospital, and Ambulance Service Provider Liens" and includes an index of
 6 properly labeled liens.

7 (2) ~~The~~ A clerk shall make a record in ~~this~~ the book ~~of notices~~
 8 record of liens filed in the order in which they are filed, noting ~~therein~~
 9 the names and addresses of patients of practitioners, nurses, hospitals,
 10 ambulance service providers, ~~and~~ other persons on whose behalf a notice of
 11 lien has been filed, ~~and of tortfeasors,~~ and insurers.

12 (3) If a clerk is authorized to electronically maintain records
 13 under § 13-4-301, he or she may maintain an electronic file only of the book
 14 record required under this subsection.

15 (b)(1) On the presentation of a release of ~~any~~ a lien, the clerk of
 16 the circuit court of the county in which the lien is filed and recorded shall
 17 note:

18 (A) Note on the file and in the book record the date when
 19 the release was filed, ~~and the clerk shall note~~

20 (B) Note on the release the fact that it has been so
 21 recorded.

22 (2) A release so noted or recorded in the book record in the
 23 office of the clerk of the circuit court shall, ~~either of them,~~ be prima
 24 facie evidence of the release of the lien.

25 (c) The clerk of the circuit court shall ~~be entitled to collect not~~
 26 ~~more than fifty cents (50¢) for the filing, recording, and indexing of each~~
 27 lien, and not more than fifty cents (50¢) collect the fee as prescribed in §
 28 21-6-306, § 21-6-402, or § 21-6-403, whichever is applicable, for the filing
 29 of the release of any lien and noting on the record and on the release the
 30 fact that the release has been so filed.

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 32
 33 /s/Underwood

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 35 APPROVED: 3/4/21