

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Malone**

**A BILL ACT 588 OF 1991**  
**SENATE BILL 392**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §18-44-114 TO  
9 ALLOW THE TEN (10) DAYS' NOTICE BEFORE THE FILING OF  
10 MECHANICS' AND MATERIALMEN'S LIENS TO BE SERVED BY MAIL  
11 RETURN RECEIPT REQUESTED; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated §18-44-114 is amended to read as  
16 follows:

17 "18-44-114. Notice and service generally.

18 (a) Every person, except the original contractor, who may wish to avail  
19 himself of the benefit of the provisions of this subchapter shall give ten  
20 (10) days' notice before the filing of the lien, as required in 18-44-117(a),  
21 to the owner, owners, or agent, or either of them, that he holds a claim  
22 against the building or improvement, setting forth the amount and from whom it  
23 is due.

24 (b) (1) The notice may be served by any officer authorized by law to  
25 serve process in civil actions, by any person who would be a competent  
26 witness, or by any form of mail addressed to the person to be served with a  
27 return receipt requested and delivery restricted to the addressee or the agent  
28 of the addressee.

29 (2) When served by an officer, his official return endorsed  
30 thereon shall be proof thereof, when served by any other person, the fact of  
31 the service shall be verified by affidavit of the person so serving, and when  
32 served by mail, the service shall be verified by a return receipt signed by  
33 the addressee or the agent of the addressee, or a returned envelope, postal  
34 document or affidavit by a postal employee reciting or showing refusal of the  
35 notice by the addressee. If delivery of the mailed notice is refused by the  
36 addressee, then the person holding the claim shall immediately mail to the

1 owner, owners, or agent a copy of the notice by first class mail, and may  
2 proceed to file his lien."

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4 SECTION 2. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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

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

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18 APPROVED: 3-18-91

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