State of Arkansas 1 As Engrossed: S3/31/99 A Bill 2 82nd General Assembly Act 1466 of 1999 3 Regular Session, 1999 HOUSE BILL 1612 4 5 By: Representative Cook 6 For An Act To Be Entitled 7 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §18-44-114 TO 8 EXEMPT DIRECT SALES FROM THE MATERIALMAN'S LIENS 9 NOTICE REQUIREMENTS: AND FOR OTHER PURPOSES." 10 11 **Subtitle** 12 "TO AMEND ARKANSAS CODE ANNOTATED §18-44-13 114 TO EXEMPT DIRECT SALES FROM THE 14 MATERIALMAN'S LIENS NOTICE REQUIREMENTS." 15 16 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 19 SECTION 1. Arkansas Code 18-44-114 is amended to read as follows: 20 "18-44-114. Notice and service generally. (a) Every person, except the original contractor, who may wish to avail 21 22 himself of the benefit of the provisions of this subchapter shall give ten (10) days' notice before the filing of the lien, as required in § 18-44-23 117(a), to the owner, owners, or agent, or either of them, that he holds a 24 claim against the building or improvement, setting forth the amount and from 25 whom it is due. However, if the transaction is a direct sale to the property 26 27 owner, this notice requirement shall not apply, and the lien rights arising 28 under this subchapter shall not be conditioned on delivery and execution of the notice. For purposes of this subsection, a sale shall be considered a 29 direct sale when the owner or owners orders the materials from the lien 30 claimant. 31 (b)(1) The notice may be served by any officer authorized by law to 32 serve process in civil actions, by any person who would be a competent 33 witness, or by any form of mail addressed to the person to be served with a 34 35 return receipt requested and delivery restricted to the addressee or the agent 36 of the addressee.

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1	(2) When served by an officer, his official return endorsed
2	thereon shall be proof thereof; when served by any other person, the fact of
3	the service shall be verified by affidavit of the person so serving; and when
4	served by mail, the service shall be verified by a return receipt signed by
5	the addressee or the agent of the addressee, or a returned envelope, postal
6	document, or affidavit by a postal employee reciting or showing refusal of the
7	notice by the addressee. If delivery of the mailed notice is refused by the
8	addressee, then the person holding the claim shall immediately mail to the
9	owner, owners, or agent a copy of the notice by first class mail and may
10	proceed to file his lien."
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12	SECTION 2. All provisions of this Act of a general and permanent nature
13	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14	Revision Commission shall incorporate the same in the Code.
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16	SECTION 3. If any provision of this Act or the application thereof to
17	any person or circumstance is held invalid, such invalidity shall not affect
18	other provisions or applications of the Act which can be given effect without
19	the invalid provision or application, and to this end the provisions of this
20	Act are declared to be severable.
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22	SECTION 4. All laws and parts of laws in conflict with this Act are
23	hereby repealed.
24	/s/ Cook
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27	APPROVED: 4/15/1999
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