

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 366

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 18 OF
10 THE ARKANSAS CODE CONCERNING PROPERTY RIGHTS AND
11 INTERESTS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 18
16 OF THE ARKANSAS CODE CONCERNING PROPERTY
17 RIGHTS AND INTERESTS.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 18-12-401, concerning a deed of conveyance
23 of real property between spouses, is amended to clarify language to read as
24 follows:

25 18-12-401. Deed between spouses.

26 (a) ~~Any~~ A deed of conveyance of real property located in this state
27 executed after the passage of this act by ~~a married man directly to his wife~~
28 ~~or by a married woman directly to her husband~~ an individual to his or her
29 spouse shall ~~be construed as conveying~~ convey to the grantee named in the
30 deed the entire interest of the grantor in the property conveyed, or the
31 interest specified in the deed, ~~as fully and to all intents and purposes~~ as
32 if the ~~marital~~ spousal relation did not exist between the parties to the
33 deed.

34 (b)(1) All deeds of conveyance of real property in this state executed
35 ~~prior to~~ before the passage of this act by an individual to his or her spouse
36 shall ~~be construed as conveying~~ convey to the respective grantees in the



1 deeds the full and entire interests of the respective grantors in the deeds,
 2 or the interests specified in the deeds respectively, ~~as fully and to all~~
 3 ~~intents and purposes~~ as if the spousal relation had not existed between the
 4 parties to the deeds.

5 (2) This subsection ~~shall~~ does not be ~~construed as applying~~
 6 apply to ~~any a deed which~~ that has been construed by ~~any a~~ court of competent
 7 jurisdiction.

8 (c) The word "deed" as used in this section, ~~shall be construed to~~
 9 ~~include any and all~~ includes instruments of writing affecting, or purporting
 10 to affect, the title to real property, either by way of conveyance or
 11 encumbrance.

12 (d) The purpose of this section is to empower ~~married men to contract~~
 13 ~~with their wives and married women to contract with their husbands~~ an
 14 individual to contract with his or her spouse in regard to real property in
 15 ~~like the same~~ manner and to the same effect as if ~~married men and married~~
 16 ~~women were unmarried~~ the spousal relation did not exist between the parties
 17 to the deed.

18
 19 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

20 It is the intent of the General Assembly that:

21 (1) The enactment and adoption of this act shall not expressly
 22 or impliedly repeal an act passed during the regular session of the Ninety-
 23 Second General Assembly;

24 (2) To the extent that a conflict exists between an act of the
 25 regular session of the Ninety-Second General Assembly and this act:

26 (A) The act of the regular session of the Ninety-Second
 27 General Assembly shall be treated as a subsequent act passed by the General
 28 Assembly for the purposes of:

29 (i) Giving the act of the regular session of the
 30 Ninety-Second General Assembly its full force and effect; and

31 (ii) Amending or repealing the appropriate parts of
 32 the Arkansas Code of 1987; and

33 (B) Section 1-2-107 shall not apply; and

34 (3) This act shall make only technical, not substantive, changes
 35 to the Arkansas Code of 1987.

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