

*As Engrossed: 3/5/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Henry**  
5 ***Representative Wyrick***  
6

# A Bill

**HOUSE BILL 1868**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 18-16-101 TO PROVIDE FOR  
9 THE ISSUANCE OF A CITATION IN LIEU OF ARREST OF A TENANT  
10 FOR REFUSAL TO VACATE; AND FOR OTHER PURPOSES."  
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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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14 SECTION 1. Arkansas Code 18-16-101 is amended to read as follows:

15 "18-16-101. Failure to pay rent - Refusal to vacate upon notice -  
16 Penalty.

17 (a) Any person who shall rent any dwelling house or other building or  
18 any land situated in the State of Arkansas and who shall refuse or fail to pay  
19 the rent therefor when due according to contract shall at once forfeit all  
20 right to longer occupy the dwelling house or other building or land.

21 (b) If, after ten (10) days' notice in writing shall have been given by  
22 the landlord or his agent or attorney to the tenant to vacate the dwelling  
23 house or other building or land, the tenant shall willfully refuse to vacate  
24 and surrender the possession of the premises to the landlord or his agent or  
25 attorney, the tenant shall be guilty of a misdemeanor. Upon conviction before  
26 any justice of the peace or other court of competent jurisdiction in the  
27 county where the premises are situated, the tenant shall be fined in any sum  
28 not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00)  
29 for each offense. Each day the tenant shall willfully and unnecessarily hold  
30 the dwelling house or other building or land after the expiration of notice to  
31 vacate shall constitute a separate offense. In lieu of arrest, a citation  
32 shall be issued for a violation of this subsection. The citation shall inform  
33 the accused that failure to appear at the stated time, place and court may  
34 result in his or her arrest and shall constitute a separate offense for which  
35 he or she may be prosecuted."

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

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

SECTION 4. All laws or parts of laws in conflict with this act are hereby repealed.

*/s/Henry and Wyrick*