

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Dietz

# A Bill

HOUSE BILL 1339

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 17-35-107 TO  
9 SPECIFICALLY PROVIDE A NOTICE REQUIREMENT BEFORE  
10 INSTITUTING SUIT AGAINST REAL ESTATE LICENSEES; AND FOR  
11 OTHER PURPOSES."

## Subtitle

14 "TO AMEND ARKANSAS CODE ANNOTATED § 17-  
15 35-107 TO SPECIFICALLY PROVIDE A NOTICE  
16 REQUIREMENT BEFORE INSTITUTING SUIT  
17 AGAINST REAL ESTATE LICENSEES."

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

21 SECTION 1. Arkansas Code Annotated § 17-35-107 is amended by adding an  
22 additional subsection to read as follows:

23 "(c) A licensee, as defined in § 17-35-103(10), alleged to have caused  
24 injury in the course of rendering professional services, whether resulting  
25 from negligence, error or omission in the performance of such services; or  
26 without authorization or in breach of warranty or in violation of contract;  
27 or otherwise arising out of or sustained in the course of such services may  
28 be sued.

29 (1) Any suit described by § 17-35-107(c) shall not be commenced  
30 until at least sixty (60) days after service upon the licensee, as defined in  
31 § 17-35-103(10), by certified or registered mail to the last known address,  
32 of a written notice of the alleged injuries and the damages claimed.

33 (2) If the notice is properly served within sixty (60) days of  
34 the expiration of the period for bringing any suit described by § 17-35-  
35 107(c), the time for commencement of the action shall be extended ninety (90)

1 days from the service of the notice. The date of service of the notice shall  
2 be the date of the mailing of the written notice.

3       (d) A licensee, as defined in § 17-35-103(10), may sue any individual  
4 or entity allegedly indebted to such license for professional fees; or  
5 otherwise arising out of or sustained in the course of services provided by  
6 the licensee.

7       (1) Any suit described by § 17-35-107(d) shall not be commenced  
8 until at least sixty (60) days after service upon the individual or entity to  
9 be sued potentially by the licensee by certified or registered mail to the  
10 last known address, of a written notice of the alleged injuries and the  
11 damaged claimed.

12       (2) If the notice is properly served within sixty (60) days of  
13 the expiration of the period for bringing any suit described by § 17-35-  
14 107(d), the time for commencement of the action shall be extended ninety (90)  
15 days from the service of the notice. The date of service of the notice shall  
16 be the date of the mailing of the written notice."

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

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

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

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31       SECTION 5. EMERGENCY. It is hereby found and determined by the  
32 General Assembly that the laws of this state are in need of revision to  
33 clarify the laws; and this act is necessary to provide adequate protection to  
34 real estate licensees. Therefore, an emergency is hereby declared to exist  
35 and this act being necessary for the immediate preservation of the public

1 peace, health and safety shall be in full force and effect from and after its  
2 passage and approval.

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*/s/Rep. Dietz*

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