

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 597

4
5 By: Senator Webb
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 18-45-202 RELATING TO
10 PRIORITY OF LIENS OF VEHICLE REPAIRMEN AND
11 BLACKSMITHS; AND FOR OTHER PURPOSES."

Subtitle

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13
14 "AMEND ARKANSAS CODE 18-45-202 RELATING
15 TO PRIORITY OF LIENS OF VEHICLE
16 REPAIRMEN AND BLACKSMITHS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 18-45-202 is amended to read as follows:

22 "18-45-202. Priority of lien.

23 (a) The lien provided for in this subchapter shall take precedence
24 over, and be superior to, any mortgage or other obligation attaching against
25 the property in all cases where the holder of the mortgage or other obligation
26 shall permit the property to remain in the possession of and be used by the
27 person owing and bound for the amount thereof.

28 (b) The lien provided for in this subchapter shall be subject to the
29 perfected lien of a financial institution or vendor of automobiles, trucks,
30 tractors, and all other motor-propelled conveyances ~~retaining title therein,~~
31 for any claim for balance of purchase money due thereon.

32 (c) The lien shall not take precedence over a bona fide purchaser for
33 value of any automobile, truck, tractor, and other motor-propelled conveyances
34 without either actual or constructive notice."
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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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

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13 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
14 Eighty-second General Assembly that current laws regarding blacksmiths' liens
15 and liens of vehicle repairmen are vague and indefinite in certain
16 applications; that the vagueness of those laws results in disagreement and
17 litigation; that this act is designed to clarify such laws and should be given
18 effect immediately to avoid further confusion and disagreement. Therefore, an
19 emergency is declared to exist and this act being immediately necessary for
20 the preservation of the public peace, health and safety shall become effective
21 on the date of its approval by the Governor. If the bill is neither approved
22 nor vetoed by the Governor, it shall become effective on the expiration of the
23 period of time during which the Governor may veto the bill. If the bill is
24 vetoed by the Governor and the veto is overridden, it shall become effective
25 on the date the last house overrides the veto.