

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
4

As Engrossed: S3/16/99

A Bill

SENATE BILL 958

5 By: Senator B. Walker
6
7

For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR NOTICE OF VIOLATIONS TO OUT-OF-
10 STATE PROPERTY OWNERS; TO REQUIRE PROPERTY OWNED BY
11 OUT-OF-STATE OWNERS TO COMPLY WITH CERTAIN CODES; TO
12 DECLARE NON-COMPLIANT PROPERTIES PUBLIC NUISANCES; AND
13 FOR OTHER PURPOSES. "
14

Subtitle

15 "TO PROVIDE FOR NOTICE OF VIOLATIONS TO
16 OUT-OF-STATE PROPERTY OWNERS; TO REQUIRE
17 PROPERTY OWNED BY OUT-OF-STATE OWNERS TO
18 COMPLY WITH CERTAIN CODES; TO DECLARE
19 NON-COMPLIANT PROPERTIES PUBLIC
20 NUISANCES. "
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Any municipality which has established a systematic
27 residential rental property inspection program may, by ordinance, require that
28 all owners of residential rental property within the corporate limits of the
29 municipality to designate an agent for service of process.
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31 SECTION 2. Appointment of such an agent shall not be required if the
32 owner lives within the jurisdiction of the municipality, or is otherwise
33 available for lawful service of process.
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35 SECTION 3. The owner, or the person designated as the agent of the
36 owner for service of process shall register with the office of the city clerk.

1 Any change in ownership, or change in the designation of an agent, shall be
2 noted with the city clerk.

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4 SECTION 4. The owner, or agent, shall be responsible for accepting
5 service of process either in person or by mail in accordance with the Arkansas
6 Rules of Civil Procedure. This notice shall be effective for actions in all
7 state courts including city or county municipal courts.

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9 SECTION 5. The failure to register an agent for service of process and
10 compliance with municipal codes shall be the basis for declaring the property
11 a public nuisance. If such a declaration occurs, the municipality may take
12 any actions authorized by law to abate the nuisance, including, but not
13 limited to, repair of the property, condemnation of the property or demolition
14 of the property. The municipality shall have a lien on the property for the
15 expense of repair, abating the nuisance or any costs incurred to condemn the
16 property or demolish it. The municipality may then foreclose on the lien in
17 accordance with applicable law.

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19 SECTION 6. Before a municipality may have a property declared a public
20 nuisance for failure to maintain a registered agent for service of process,
21 the municipality shall:

22 (1) Post notice at the property of its intent to declare the property a
23 nuisance if an agent is not named and notifies the municipality of such fact
24 with ten (10) days;

25 (2) Send a certified letter to the last known address of the last
26 listed agent for service of process;

27 (3) Send an additional certified letter to the last known address of
28 the persons listed as owner on the county property tax records; and

29 (4) Publish a notice in a newspaper with daily general circulation
30 within the city, or if no daily newspaper is available in a newspaper of
31 general circulation within the city, every day for ten (10) consecutive days,
32 of the intent to declare the property a public nuisance.

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34 SECTION 7. If the owner is contacted but fails within a reasonable
35 period of time, as determined by a court of competent jurisdiction including a
36 municipal court, to bring a property into compliance with all relevant

1 municipal codes, then in addition to any other penalties, the municipality may
2 file an action in chancery court to declare the property a public nuisance and
3 proceed to seek all available remedies to abate the nuisance.

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5 SECTION 8. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 9. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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

17 */s/ Hopkins*

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