

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

HOUSE BILL 1372

5 By: Representatives M Steele, Allison, Creekmore, Gipson, Haak, Hausam, Jacobs, Magnus, Milligan,
6 Minton, Nichols, Parks, Trammell, Weaver, Fite, Rankin, Bolin, Hendren, Seawel, Duggar, Biggs, G.
7 Jeffress, D. Elliott, Hickinbotham, Bradford, Milum, Stovall, Childers, Adams, Boyd
8

For An Act To Be Entitled

11 AN ACT TO AMEND ARKANSAS CODE 18-45-202 RELATING TO
12 PRIORITY OF LIENS OF VEHICLE REPAIRMEN AND
13 BLACKSMITHS; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 18-45-202
16 RELATING TO PRIORITY OF LIENS OF VEHICLE
17 REPAIRMEN AND BLACKSMITHS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 18-45-202 is amended to read as follows:
24 18-45-202. Priority of lien.

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

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

34 (c) The lien shall not take precedence over a bona fide purchaser for
35 value of any automobile, truck, tractor, and other motor-propelled conveyances
36 without either actual or constructive notice.

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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly that confusion continues to exist regarding the priority of liens under Arkansas Code 18-45-202; that the 1999 revision of that law unfairly affects mechanics, body shops, and towing companies; and that such persons need immediate relief. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.