

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1017

4  
5 By: Representative Glidewell  
6 By: Senator Altes

## For An Act To Be Entitled

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10 AN ACT TO REQUIRE THAT THE UNLAWFUL USE OF  
11 PROPERTY FOR CONTROLLED SUBSTANCES BE DISCLOSED  
12 TO PROSPECTIVE TENANTS AND BUYERS; AND FOR OTHER  
13 PURPOSES.

## Subtitle

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16 AN ACT TO REQUIRE THAT THE UNLAWFUL USE  
17 OF PROPERTY FOR CONTROLLED SUBSTANCES BE  
18 DISCLOSED TO PROSPECTIVE TENANTS AND  
19 BUYERS.

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

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24 SECTION 1. Arkansas Code Title 16, Chapter 105, Subchapter 4 is  
25 amended to add an additional section to read as follows:

26 16-105-418. Disclosure of common nuisance – Remedies.

27 (a) If the owner of any store, shop, warehouse, dwelling house,  
28 building, mobile home, manufactured home, or any other real property has  
29 knowledge that within the past five (5) years the property was used for the  
30 purpose of unlawfully selling, storing, keeping, manufacturing, using, or  
31 giving away any controlled substance, precursor, or analog specified in the  
32 Uniform Controlled Substances Act, § 5-64-101 et seq., the owner shall  
33 disclose in writing the basis of the owner's knowledge to any prospective  
34 tenant or buyer of the property.

35 (b)(1) Upon proof by a preponderance of the evidence that the owner  
36 failed to make the disclosure required by subsection (a) of this section, the



1 tenant or buyer shall be entitled to:

2 (A) Rescind the lease or sale of the property;

3 (B) Recover any actual consequential damages sustained;

4 and

5 (C) An award of reasonable attorney fees and the costs of  
6 the action.

7 (2) Any action brought under subdivision (b)(1) of this section  
8 must be commenced within three (3) years of:

9 (A) The inception of the lease; or

10 (B) The sale of the property.

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