

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  
4

As Engrossed: H3/18/05

# A Bill

HOUSE BILL 2490

5 By: Representative Thyer  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT A GENERAL CONTRACTOR IS  
10 NOT SUBJECT TO A LIEN FOR THE MATERIALS OF A  
11 SUBCONTRACTOR UNLESS THE VENDOR OF THE  
12 SUBCONTRACTOR'S MATERIALS PROVIDES NOTICE TO THE  
13 GENERAL CONTRACTOR OF THE VENDOR'S CLAIM WITHIN  
14 TEN (10) DAYS OF THE DATE OF PURCHASE OF THE  
15 SUBCONTRACTOR'S MATERIALS; AND FOR OTHER  
16 PURPOSES.  
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## Subtitle

18 AN ACT TO PROVIDE THAT A GENERAL  
19 CONTRACTOR IS NOT SUBJECT TO A LIEN FOR  
20 THE MATERIALS OF A SUBCONTRACTOR UNLESS  
21 THE VENDOR OF THE SUBCONTRACTOR'S  
22 MATERIALS PROVIDES NOTICE TO THE GENERAL  
23 CONTRACTOR.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 *SECTION 1. Arkansas Code § 18-44-115(b), pertaining to notice required*  
30 *for mechanics' and materialmen's liens, is amended to read as follows:*

31 *(b)(1)(A) It shall be the duty of the contractor to give the owner or*  
32 *his or her authorized agent the notice set out in subsection (c) of this*  
33 *section on behalf of all potential lien claimants under his or her contract*  
34 *prior to the supplying of any materials or fixtures.*

35 *(B) Any potential lien claimant may also give notice.*

36 *(2) However, no lien may be claimed by any supplier of material*



1 or fixtures unless the owner or agent has received at least one (1) copy of  
2 the notice, which need not have been given by the particular lien claimant.

3 (3) If a material supplier has received written notice from the  
4 contractor that the contractor is the owner of the real property being  
5 improved, a material supplier who sold materials to a subcontractor of the  
6 contractor shall not be entitled to a lien against the property unless the  
7 material supplier notifies the contractor in writing within ten (10) days of  
8 the sale of materials to the subcontractor that the subcontractor has not  
9 paid for the materials.

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11 /s/ Thyer  
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