

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 181

5 By: Senator E. Williams  
6 By: Representatives Lemons, Johnson  
7

## For An Act To Be Entitled

9 AN ACT TO REGULATE FOUNDATION REPAIR CONTRACTS; TO  
10 REQUIRE A CONTRACTOR TO RECORD A FOUNDATION REPAIR  
11 CONTRACT; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO REGULATE FOUNDATION REPAIR CONTRACTS;  
16 AND TO REQUIRE A CONTRACTOR TO RECORD A  
17 FOUNDATION REPAIR CONTRACT.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code Title 4, Chapter 75, is amended to add an  
23 additional subchapter to read as follows:

### Subchapter 10 – Foundation Repair Contracts Act

#### 4-75-1001. Title.

27 This subchapter shall be known and may be cited as the "Foundation  
28 Repair Contracts Act".  
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#### 4-75-1002. Purpose.

31 The purpose of this subchapter is to ensure fair and reasonable  
32 regulation of foundation repair contracts to prevent misleading and deceptive  
33 business practices in the performance of a foundation repair contract.  
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#### 4-75-1003. Definitions.

36 As used in this section:



1           (1) "Contractor" means a person or an entity that repairs or has  
2 repaired the foundation of a single-family dwelling;

3           (2) "Foundation repair contract" means a written contract  
4 between a homeowner and a contractor to repair the foundation of a single-  
5 family dwelling;

6           (3) "Homeowner" means the initial owner and any subsequent owner  
7 of a single-family dwelling; and

8           (4) "Single-family dwelling" means a dwelling constructed for  
9 habitation by one (1) to four (4) families.

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11       4-75-1004. Foundation repair contract requirements.

12       A foundation repair contract shall contain the:

13           (1) Legal description and street address of the single-family  
14 dwelling; and

15           (2) Names and addresses of the parties to the contract.

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17       4-75-1005. Enforceability.

18       A foundation repair contract is enforceable by a homeowner against a  
19 contractor for the time specified in the foundation repair contract.

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21       4-75-1006. Penalties.

22       A person who fails to comply with this subchapter is guilty of a  
23 violation punishable by a fine of one hundred dollars (\$100) for each day the  
24 noncompliance continues.

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26       4-75-1007. Civil remedies.

27       If a homeowner successfully files suit to obtain a remedy authorized by  
28 this subchapter, the homeowner shall recover:

29           (1) Twice the amount of the cost to repair the foundation,  
30 remediate any defects, and reconstruct the structural damage resulting from a  
31 defect in a single-family dwelling's foundation; and

32           (2) Court costs and a reasonable attorney's fee.