

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1828

5 By: Representative Warren
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For An Act To Be Entitled

8 AN ACT CONCERNING THE ARKANSAS TITLE INSURANCE ACT;
9 TO CLARIFY THAT NO CAUSE OF ACTION EXISTS FOR
10 NEGLIGENCE BY AN INSURED AGAINST A TITLE INSURANCE
11 AGENCY OR AGENT FOR LACK OF REASONABLE CARE IN A
12 TITLE SEARCH; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING THE ARKANSAS TITLE INSURANCE
16 ACT; AND TO CLARIFY THAT NO CAUSE OF
17 ACTION EXISTS FOR NEGLIGENCE BY AN
18 INSURED AGAINST A TITLE INSURANCE AGENCY
19 OR AGENT FOR LACK OF REASONABLE CARE IN A
20 TITLE SEARCH.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 23-103-408, concerning minimum search
27 requirements for the issuance of a title insurance policy, is amended to add
28 additional subsections to read as follows:

29 (d) In conducting a search for the issuance of a title insurance
30 policy, the title insurance agency and title insurance agent are acting only
31 as agents of the title insurer and owe no duty to the insured.

32 (e)(1) A cause of action for negligence does not exist by an insured
33 under a title insurance policy against the title insurance agency or title
34 insurance agent issuing the title insurance policy or against a title insurer
35 for lack of reasonable care in searching and disclosing the state of title to
36 the property.



1 (2) The exclusive remedy of the insured for defects in title to
2 the property that are not identified by the title search is to file a claim
3 against the title insurance policy subject to the terms and conditions of the
4 title insurance policy.