

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

A Bill

HOUSE BILL 1870

5 By: Representative Lemons
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE DUTIES OF A JUSTICE OF THE
9 PEACE; AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING THE DUTIES OF A JUSTICE OF THE
13 PEACE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 18-41-103(c), concerning advances for
20 supplies, is amended to read as follows:

21 (c) This lien may be enforced by an action of attachment before any
22 court ~~or justice of the peace~~ having jurisdiction, and the lien for advances
23 and for rent may be joined and enforced in the same action.
24

25 SECTION 2. Arkansas Code § 18-41-108 is amended to read as follows:
26 18-41-108. Attachment to enforce.

27 (a) Any landlord who has a lien on the crop for rent shall be entitled
28 to bring suit before a ~~justice of the peace or in the~~ circuit court, ~~as the~~
29 ~~ease may be,~~ having jurisdiction and have a writ of attachment for the
30 recovery of it, whether the rent is due or not, in the following cases:

31 (1) ~~When~~ If the tenant is about to remove the crop from the
32 premises without paying the rent; or

33 (2) ~~When~~ If he or she has removed the crop, or any portion
34 thereof, without the consent of the landlord.

35 (b)(1) Before the writ of attachment ~~shall issue~~ is issued, the
36 landlord or his or her agent or attorney shall ~~make and~~ file an affidavit of



1 one (1) of the facts ~~provided for in~~ under subdivision (a)(1) or subdivision
 2 (a)(2) of this section, that the amount claimed ~~which shall be therein stated~~
 3 is or will be due for rent, or will be the value of the portion of the crop
 4 agreed ~~to be received~~ as rent, stating the time ~~when~~ the rent became or would
 5 become due and that he or she has a lien on the crop for rent.

6 (2) The landlord or his or her agent or attorney shall file with
 7 the ~~justice or clerk, as the case may be,~~ of the court a bond to the
 8 defendant, with sufficient security, in double the amount of his or her
 9 claim, as sworn to, conditioned that he or she will prove his or her debt or
 10 demand and his or her lien in a trial ~~of law~~, or that he or she will pay
 11 damages ~~as shall be adjudged~~ against him or her.

12 (c) The writ of attachment may be levied on the crop in the possession
 13 of the tenant or anyone holding it in his or her right or in the possession
 14 of a purchaser from him or her with notice of the lien of the landlord.

15 (d) If the rent ~~shall~~ is not be due at the commencement of the suit,
 16 the trial shall be stayed until it becomes due, and the attachment, at any
 17 time before final trial, may be dissolved in the manner prescribed by law,
 18 and the cause proceed as other suits.

19
 20 SECTION 3. Arkansas Code § 18-42-109 is amended to read as follows:

21 18-42-109. Proceedings to enforce liens.

22 Proceedings for the enforcement of liens ~~provided for in~~ under this
 23 chapter ~~shall be~~ are governed in the circuit court by the law regulating
 24 mechanics' liens ~~and before justices of the peace by the law regulating~~
 25 ~~attachments before justices.~~

26
 27 SECTION 4. Arkansas Code § 18-43-106(a)(1), concerning the
 28 jurisdictional amount for certain small liens, is amended to read as follows:

29 (a)(1) Every person who has a lien as provided in this section and §§
 30 18-43-101, 18-43-104, 18-43-105, 18-43-107--18-43-110, and 18-43-112--18-43-
 31 117 and wishes to avail himself or herself of the lien ~~shall, if the amount~~
 32 ~~is less than one hundred dollars (\$100), and may, at his or her own~~
 33 ~~discretion, if the amount does not exceed three hundred dollars (\$300), go~~
 34 ~~before any justice of the peace in the county where the lien exists~~ by an
 35 action before a court having jurisdiction.

36

1 SECTION 5. Arkansas Code § 18-43-107(a)(1), concerning notice, is
 2 amended to read as follows:

3 (a)(1) The ~~justice of the peace party initiating the action~~ shall
 4 cause notice to be given to the defendant in the usual way.

5
 6 SECTION 6. Arkansas Code § 18-45-101(b), concerning sales of personal
 7 property, is amended to read as follows:

8 (b) Lienholders shall give a bond in the sum to be fixed by a ~~justice~~
 9 ~~of the peace or~~ circuit judge before they shall proceed to sell, by
 10 proceeding in accordance with the requirements of this section.

11
 12 SECTION 7. Arkansas Code § 18-45-205 is amended to read as follows:
 13 18-45-205. Filing of notice and bond required.

14 (a)(1) The lienholder shall file with ~~one (1) of the justices of the~~
 15 ~~peace in the township where his or her place of business is located~~ a court
 16 having jurisdiction a notice ~~similar to the ones required in~~ under § 18-45-
 17 204 to be posted.

18 (2) The ~~justice court~~ shall note ~~upon~~ in the notice the amount
 19 of a bond, for the protection of the debtor or property owner ~~in the event,~~
 20 if the lienholder is not entitled to the lien and for the payment of ~~any~~
 21 damages if the sale is wrongfully made.

22 (b) The lienholder shall file a bond so conditioned and in such sum
 23 with the ~~justice of the peace court,~~ and the surety thereon shall be approved
 24 by the ~~justice of the peace court~~ before making the sale ~~provided for in~~
 25 under this subchapter.

26
 27 SECTION 8. Arkansas Code § 18-46-114 is amended to read as follows:
 28 18-46-114. Release on satisfaction or waiver of lien required.

29 (a) ~~When~~ If a lien has been satisfied or waived, the practitioner,
 30 nurse, hospital, or ambulance service provider that established or waived it
 31 shall, on written demand and at the expense of the patient, or the person by
 32 whom the patient was injured, or by the insurer obligated by reason of the
 33 injury, give a written release, ~~duly~~ acknowledged before a ~~justice of the~~
 34 ~~peace or~~ notary public.

35 (b)(1) Any practitioner, nurse, hospital, or ambulance service
 36 provider that refuses or fails under the circumstances stated, for a period

1 of five (5) days or more after a written demand is made for a release, to
2 execute and deliver the release ~~shall be~~ is liable to the demandant for ~~any~~
3 injury or damage that results from refusal or failure.

4 (2) ~~In any event he~~ He or she shall forfeit to the demandant the
5 sum of twenty-five dollars (\$25.00), which may be recovered in ~~any~~ an action
6 for damages because of the failure, or in a civil action before a ~~justice of~~
7 ~~the peace~~ court having jurisdiction, as the circumstances of the case
8 require.

9
10 SECTION 9. Arkansas Code § 18-48-303 is amended to read as follows:

11 18-48-303. Filing of claim — Summons.

12 (a)(1) At any time within twenty (20) months after the right of action
13 accrues, the owner of the male animal may ~~file a written statement with any~~
14 ~~justice of the peace in the county~~ bring a civil action before a court having
15 jurisdiction.

16 (2) ~~This statement~~ The petition shall be ~~duly~~ verified and ~~shall~~
17 set forth the amount of the claim, the cause of action, and a description of
18 the animal upon which there is a lien.

19 (b) The ~~justice court~~ shall ~~thereupon~~ issue summons as in other cases
20 and embody in the summons a description of the animal and an order to the
21 ~~constable~~ law enforcement officer to take the animal and her offspring, if
22 there is offspring, and hold it or them subject to the order of the court.

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