

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4  
5 By: Senator B. Sample  
6

# A Bill

SENATE BILL 749

## For An Act To Be Entitled

8 AN ACT TO ALLOW A LIENHOLDER TO FILE ELECTRONICALLY A  
9 LIEN ON A MOTOR VEHICLE, AN ALL-TERRAIN VEHICLE, A  
10 MOBILE HOME OR MANUFACTURED HOME, OR AN IMPLEMENT OF  
11 HUSBANDRY IN CERTAIN CIRCUMSTANCES; AND FOR OTHER  
12 PURPOSES.

## Subtitle

16 TO ALLOW A LIENHOLDER TO FILE  
17 ELECTRONICALLY A LIEN ON A MOTOR VEHICLE,  
18 AN ALL-TERRAIN VEHICLE, A MOBILE HOME OR  
19 MANUFACTURED HOME, OR AN IMPLEMENT OF  
20 HUSBANDRY IN CERTAIN CIRCUMSTANCES.

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

25 SECTION 1 . Arkansas Code § 27-14-806(a), concerning optional means of  
26 recording liens and encumbrances, is amended to read as follows:

27 (a)(1)~~(A)~~ At his or her option, a lienholder may:

28 ~~(i)~~(A) Record the lien:

29 (i) ~~on~~ On the manufacturer's statement of origin; ~~or~~

30 (ii) ~~Record the lien on~~ On an existing certificate

31 of title; ~~and~~ or

32 (iii) If the Office of Motor Vehicle determines it  
33 is technologically and economically feasible to offer the ability to  
34 electronically record a lien, through the electronic lien recording database  
35 established by the Department of Finance and Administration; and

36 (B) File with the Revenue Division of the Department of



1 Finance and Administration a certified copy of the instrument creating and  
2 evidencing the lien or encumbrance.

3 (2) In the case of implements of husbandry, as defined in § 27-  
4 14-212, all-terrain vehicles as defined in § 27-21-102, mobile homes as  
5 defined in § 27-14-207, or manufactured homes, as defined in § 27-14-207, at  
6 his or her option, a lienholder may:

7 (A) Record the lien on the manufacturer's statement of  
8 origin;

9 (B) Record the lien on an existing certificate of title;

10 ~~or~~  
11 (C) File with the division a certified copy of the  
12 instrument creating and evidencing the lien or encumbrance; or

13 (D) If the office determines it is technologically and  
14 economically feasible to offer the ability to electronically record a lien,  
15 record the lien through the electronic lien recording database established by  
16 the department; or

17 (3) He or she shall remit therewith a fee of one dollar (\$1.00)  
18 for each lien to be filed.

19 (4) The recording or filing shall constitute constructive notice  
20 of the lien against the vehicle described therein to creditors of the owner,  
21 subsequent purchasers, and encumbrances, except those liens that are by law  
22 dependent upon possession.

23 (5) A photocopy of the manufacturer's statement of origin or of  
24 an existing certificate of title or of ownership, showing the lien recorded  
25 thereon and certified as a true and correct copy by the party recording the  
26 lien, shall be sufficient evidence of the recording.

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