

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 408

5 By: Senator M. Pitsch
6 By: Representative Vaught
7

For An Act To Be Entitled

9 AN ACT CONCERNING DISCLOSURE REQUIREMENTS FOR REAL
10 ESTATE TRANSACTIONS; TO REQUIRE THE DISCLOSURE OF
11 AGRICULTURAL OPERATIONS NEAR REAL PROPERTY LOCATED IN
12 A RURAL AREA; AND FOR OTHER PURPOSES.
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Subtitle

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15 CONCERNING DISCLOSURE REQUIREMENTS FOR
16 REAL ESTATE TRANSACTIONS; TO REQUIRE THE
17 DISCLOSURE OF AGRICULTURAL OPERATIONS
18 NEAR REAL PROPERTY LOCATED IN A RURAL
19 AREA.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 18, Chapter 11, Subchapter 1, is
26 amended to add an additional section to read as follows:

27 18-11-107. Required disclosure by closing agent.

28 (a) As used in this section:

29 (1) "Agricultural operation" means an agricultural,
30 silvicultural, or aquacultural facility or pursuit conducted, in whole or in
31 part, including:

32 (A) The care and production of livestock and livestock
33 products, poultry and poultry products, apiary products, and plant and animal
34 production for nonfood uses;

35 (B) The planting, cultivating, harvesting, and processing
36 of crops and timber; and



1 (C) The production of any plant or animal species in a
2 controlled freshwater or saltwater environment;

3 (2) "Closing agent" means an individual who provides real estate
4 closing services and is employed by a title insurance agency; and

5 (3) "Rural area" means:

6 (A) Open countryside;

7 (B) Rural towns with a population of less than two
8 thousand five hundred (2,500) people; and

9 (C) Urban clusters with populations ranging from two
10 thousand five hundred (2,500) people to forty-nine thousand nine hundred and
11 ninety-nine (49,999) people.

12 (b) A closing agent shall provide a disclosure statement before or at
13 the time of closing a real estate transaction that makes a buyer of real
14 property aware that:

15 (1) The real property may be located within or near a rural
16 area; and

17 (2) Agricultural operations on real property nearby are
18 protected under § 2-4-101 et seq, and shall not be found to be a public or
19 private nuisance if the agricultural operation employs methods or practices
20 that are commonly or reasonably associate with agricultural production,
21 including without limitation agricultural operations that generate:

22 (A) Noise;

23 (B) Dust;

24 (C) Odors; and

25 (D) Other conditions associated with agricultural
26 operations.

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