

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

*As Engrossed: H1/26/21*

# A Bill

HOUSE BILL 1183

5 By: Representative Underwood  
6 By: Senator B. Ballinger  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN COUNTY  
10 ELECTRONIC PAYMENTS AND FILE MAINTENANCE; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE LAW CONCERNING CERTAIN  
16 COUNTY ELECTRONIC PAYMENTS AND FILE  
17 MAINTENANCE.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 14-15-401(b), concerning the general duties  
23 of a county recorder, is amended to read as follows:

24 (b) The county recorder:

25 (1) Shall ~~duly~~ attend to the duties of the county recorder's  
26 office;

27 (2) Shall provide and keep in the county recorder's office well-  
28 bound books in which the county recorder shall record in a fair and legible  
29 hand all instruments of writing authorized or required to be recorded in the  
30 manner provided; ~~and~~

31 (3)(A) May implement electronic filing and searching provisions  
32 and procedures under the Uniform Real Property Electronic Recording Act, §  
33 14-2-301 et seq.

34 (B) Unless a county recorder has implemented the Uniform  
35 Real Property Electronic Recording Act, § 14-2-301 et seq., the transmission  
36 of an electronic document to the county recorder has no legal effect.



1 (C) A person that seeks to record an electronic document is  
2 solely responsible for determining if a county recorder has implemented the  
3 Uniform Real Property Electronic Recording Act, § 14-2-301 et seq.; and

4 (4)(A) May accept payment by an approved credit card or debit  
5 card of:

6 (i) Recorder's fees under § 21-6-306; or

7 (ii) Fees otherwise authorized under Arkansas law.

8 (B)(i) The county may enter into contracts with credit  
9 card companies or debit card companies and pay those companies fees normally  
10 charged by those companies for allowing the county recorder to accept the  
11 companies' credit cards or debit cards in payment under this section.

12 (ii) When a person seeks to pay recorder's fees by  
13 an approved credit card or debit card, the county recorder shall assess the  
14 payor a transaction fee equal to the amount charged to the county by the  
15 credit card or debit card company.

16 (C)(i) A county may enroll for service with and accept  
17 payments from a third-party entity for the acceptance and collection of  
18 recorder's fees and associated costs with an approved credit card or debit  
19 card for which the third-party entity may charge the payor a transaction fee.

20 (ii) The State of Arkansas and political  
21 subdivisions shall not charge a transaction fee for electronic payments of a  
22 recorder's fee paid through a third-party entity.

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24 SECTION 2. Arkansas Code § 16-13-705(a), concerning the payment of  
25 circuit court fines by personal checks, is amended to read as follows:

26 (a) ~~The A district~~ court shall and a circuit court may accept personal  
27 checks drawn in the favor of a designated official, as provided in § 16-13-  
28 709, in payment of any fine or associated charge assessed by the district  
29 court or circuit court if the person issuing the check furnishes satisfactory  
30 proof of residence in this state and if the personal check is drawn on a  
31 banking institution located in this state.

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33 SECTION 3. Arkansas Code § 18-46-115 is amended to read as follows:  
34 18-46-115. Records of liens and releases.

35 (a)(1) ~~The clerk of the circuit court in each county shall maintain,~~  
36 ~~at the expense of the county, a file designated and labeled "Medical,~~

1 ~~Nursing, Hospital, and Ambulance Service Provider Liens”, and an appropriate~~  
 2 ~~and sufficient book record and index of the liens, properly labeled~~ At the  
 3 expense of the county, the clerk of the circuit court in each county shall  
 4 maintain a book record that is both designated and labeled "Medical, Nursing,  
 5 Hospital, and Ambulance Service Provider Liens" and includes an index of  
 6 properly labeled liens.

7 (2) ~~The~~ A clerk shall make a record in ~~this~~ the book ~~of notices~~  
 8 record of liens filed in the order in which they are filed, noting ~~therein~~  
 9 the names and addresses of patients of practitioners, nurses, hospitals,  
 10 ambulance service providers, ~~and other persons~~ individuals on whose behalf a  
 11 notice of lien has been filed, ~~and of tortfeasors,~~ and insurers.

12 (3) If a clerk is authorized to electronically maintain records  
 13 under § 13-4-301, he or she may maintain an electronic file only of the book  
 14 record required under this subsection.

15 (b)(1) On the presentation of a release of ~~any~~ a lien, the clerk of  
 16 the circuit court of the county in which the lien is filed and recorded shall  
 17 note:

18 (A) Note on the file and in the book record the date when  
 19 the release was filed, ~~and the clerk shall note~~

20 (B) Note on the release the fact that it has been so  
 21 recorded.

22 (2) A release so noted or recorded in the book record in the  
 23 office of the clerk of the circuit court shall, ~~either of them,~~ be prima  
 24 facie evidence of the release of the lien.

25 (c) The clerk of the circuit court shall ~~be entitled to collect not~~  
 26 ~~more than fifty cents (50¢) for the filing, recording, and indexing of each~~  
 27 lien, and not more than fifty cents (50¢) collect the fee as prescribed in §  
 28 21-6-101 for the filing of the release of any lien and noting on the record  
 29 and on the release the fact that the release has been so filed.

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 31 /s/Underwood  
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