

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1828

By: Representative Warren

## For An Act To Be Entitled

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

## Subtitle

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

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

SECTION 1. Arkansas Code § 23-103-408, concerning minimum search requirements for the issuance of a title insurance policy, is amended to add additional subsections to read as follows:

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

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



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

**APPROVED: 04/06/2017**