

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 749

By: Senator B. Sample

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

of title; ~~and~~ or

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

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



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

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

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

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

or

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

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

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

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

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

APPROVED: 03/27/2017