

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 366

By: Senator Rapert
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 18 OF
THE ARKANSAS CODE CONCERNING PROPERTY RIGHTS AND
INTERESTS; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 18
OF THE ARKANSAS CODE CONCERNING PROPERTY
RIGHTS AND INTERESTS.

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

SECTION 1. Arkansas Code § 18-12-401, concerning a deed of conveyance of real property between spouses, is amended to clarify language to read as follows:

18-12-401. Deed between spouses.

(a) ~~Any~~ A deed of conveyance of real property located in this state executed after the passage of this act by ~~a married man directly to his wife or by a married woman directly to her husband~~ an individual to his or her spouse shall ~~be construed as conveying~~ convey to the grantee named in the deed the entire interest of the grantor in the property conveyed, or the interest specified in the deed, ~~as fully and to all intents and purposes~~ as if the ~~marital~~ spousal relation did not exist between the parties to the deed.

(b)(1) All deeds of conveyance of real property in this state executed ~~prior to~~ before the passage of this act by an individual to his or her spouse shall ~~be construed as conveying~~ convey to the respective grantees in the



deeds the full and entire interests of the respective grantors in the deeds, or the interests specified in the deeds respectively, ~~as fully and to all intents and purposes~~ as if the spousal relation had not existed between the parties to the deeds.

(2) This subsection ~~shall~~ does not be ~~construed as applying~~ apply to ~~any a deed which~~ that has been construed by ~~any a~~ a court of competent jurisdiction.

(c) The word “deed” as used in this section, ~~shall be construed to include any and all~~ includes instruments of writing affecting, or purporting to affect, the title to real property, either by way of conveyance or encumbrance.

(d) The purpose of this section is to empower ~~married men to contract with their wives and married women to contract with their husbands~~ an individual to contract with his or her spouse in regard to real property in ~~like the same~~ manner and to the same effect as if ~~married men and married women were unmarried~~ the spousal relation did not exist between the parties to the deed.

SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987. APPROVED: 3/8/19