

State of Arkansas
93rd General Assembly
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As Engrossed: H1/26/21 S2/8/21
A Bill

HOUSE BILL 1183

By: Representative Underwood

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CERTAIN COUNTY
ELECTRONIC PAYMENTS AND FILE MAINTENANCE; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CERTAIN
COUNTY ELECTRONIC PAYMENTS AND FILE
MAINTENANCE.

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

SECTION 1. Arkansas Code § 14-15-401(b), concerning the general duties of a county recorder, is amended to read as follows:

(b) The county recorder:

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

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

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

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



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

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

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

(ii) Fees otherwise authorized under Arkansas law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The clerk of the circuit court shall ~~be entitled to collect not more than fifty cents (50¢) for the filing, recording, and indexing of each lien, and not more than fifty cents (50¢)~~ collect the fee as prescribed in § 21-6-306, § 21-6-402, or § 21-6-403, whichever is applicable, for the filing of the release of any lien and noting on the record and on the release the fact that the release has been so filed.

/s/Underwood

APPROVED: 3/4/21