

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1163

By: Representative Rushing

By: Senator L. Eads

For An Act To Be Entitled

AN ACT TO CLARIFY PROVISIONS CONCERNING REAL ESTATE
LICENSE EXEMPTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY PROVISIONS CONCERNING REAL
ESTATE LICENSE EXEMPTIONS.

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

SECTION 1. Arkansas Code § 17-42-104(a)(1), concerning exemptions, is amended to read as follows:

(a) This chapter does not apply to:

(1) A person not licensed under this chapter who performs any of the acts described in § 17-42-103(10) ~~with regard to the property owned, leased, or purchased by him or her; as:~~

(A) An owner of an individual freehold or leasehold interest in real estate;

(B) In the case of a corporation, limited liability company, limited partnership or other entity recognized by law holding a freehold or leasehold interest in the real estate under subdivision (a)(1)(A) of this section, a member, manager, partner or officer, who has authority to and does make management decisions affecting the overall policy of the entity regarding real estate activities involving only the interest of the owner;

(C) An individual attempting to acquire for his or her personal use a freehold or leasehold interest in real estate; or

(D) In the case of a corporation, limited liability



company, limited partnership or other entity recognized by law, intending to acquire a freehold or leasehold interest in real estate under subdivision (a)(1)(C) of this section, a member, manager, partner or officer, who has authority to and does make management decisions affecting the overall policy of the entity;

SECTION 2. Arkansas Code § 17-42-104, concerning exemptions, is amended to add an additional subsection to read as follows:

(c) A person or entity shall not under any circumstance qualify for an exemption under this section if the person or entity:

(1) Obtains an equitable interest in real estate with knowledge that the interest was obtained on behalf of a person or entity that intends to gain an interest in the real estate; or

(2) Strategically circumvents the requirement for licensure thereby eliminating remedies available to consumers through the commission.