

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/10/17
A Bill

HOUSE BILL 1870

By: Representative Lemons
By: *Senator L. Eads*

For An Act To Be Entitled

AN ACT CONCERNING THE DUTIES OF A JUSTICE OF THE
PEACE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE DUTIES OF A JUSTICE OF THE
PEACE.

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

SECTION 1. Arkansas Code § 18-41-103(c), concerning advances for supplies, is amended to read as follows:

(c) This lien may be enforced by an action of attachment before any court ~~or justice of the peace~~ having jurisdiction, and the lien for advances and for rent may be joined and enforced in the same action.

SECTION 2. Arkansas Code § 18-41-108 is amended to read as follows:
18-41-108. Attachment to enforce.

(a) Any landlord who has a lien on the crop for rent shall be entitled to bring suit before a ~~justice of the peace or in the~~ circuit court, ~~as the case may be,~~ having jurisdiction and have a writ of attachment for the recovery of it, whether the rent is due or not, in the following cases:

(1) ~~When~~ If the tenant is about to remove the crop from the premises without paying the rent; or

(2) ~~When~~ If he or she has removed the crop, or any portion thereof, without the consent of the landlord.

(b)(1) Before the writ of attachment ~~shall issue~~ is issued, the



landlord or his or her agent or attorney shall ~~make and~~ file an affidavit of one (1) of the facts ~~provided for in~~ under subdivision (a)(1) or subdivision (a)(2) of this section, that the amount claimed ~~which shall be therein stated~~ is or will be due for rent, or will be the value of the portion of the crop agreed ~~to be received~~ as rent, stating the time ~~when~~ the rent became or would become due and that he or she has a lien on the crop for rent.

(2) The landlord or his or her agent or attorney shall file with the ~~justice or clerk, as the case may be,~~ of the court a bond to the defendant, with sufficient security, in double the amount of his or her claim, as sworn to, conditioned that he or she will prove his or her debt or demand and his or her lien in a trial ~~of law~~, or that he or she will pay damages ~~as shall be adjudged~~ against him or her.

(c) The writ of attachment may be levied on the crop in the possession of the tenant or anyone holding it in his or her right or in the possession of a purchaser from him or her with notice of the lien of the landlord.

(d) If the rent ~~shall~~ is not be due at the commencement of the suit, the trial shall be stayed until it becomes due, and the attachment, at any time before final trial, may be dissolved in the manner prescribed by law, and the cause proceed as other suits.

SECTION 3. Arkansas Code § 18-42-109 is amended to read as follows:

18-42-109. Proceedings to enforce liens.

Proceedings for the enforcement of liens ~~provided for in~~ under this chapter ~~shall be~~ are governed in the circuit court by the law regulating mechanics' liens ~~and before justices of the peace by the law regulating attachments before justices.~~

SECTION 4. Arkansas Code § 18-43-106(a)(1), concerning the jurisdictional amount for certain small liens, is amended to read as follows:

(a)(1) Every person who has a lien as provided in this section and §§ 18-43-101, 18-43-104, 18-43-105, 18-43-107--18-43-110, and 18-43-112--18-43-117 and wishes to avail himself or herself of the lien ~~shall, if the amount is less than one hundred dollars (\$100), and may, at his or her own discretion, if the amount does not exceed three hundred dollars (\$300), go before any justice of the peace in the county where the lien exists~~ by an action before a court having jurisdiction.

SECTION 5. Arkansas Code § 18-43-107(a)(1), concerning notice, is amended to read as follows:

(a)(1) The ~~justice of the peace party initiating the action~~ shall cause notice to be given to the defendant in the usual way.

SECTION 6. Arkansas Code § 18-45-101(b), concerning sales of personal property, is amended to read as follows:

(b) Lienholders shall give a bond in the sum to be fixed by a ~~justice of the peace or~~ circuit judge before they shall proceed to sell, by proceeding in accordance with the requirements of this section.

SECTION 7. Arkansas Code § 18-45-205 is amended to read as follows:
18-45-205. Filing of notice and bond required.

(a)(1) The lienholder shall file with ~~one (1) of the justices of the peace in the township where his or her place of business is located~~ a court having jurisdiction a notice ~~similar to the ones required in~~ under § 18-45-204 to be posted.

(2) The ~~justice court~~ shall note ~~upon~~ in the notice the amount of a bond, for the protection of the debtor or property owner ~~in the event,~~ if the lienholder is not entitled to the lien and for the payment of ~~any~~ damages if the sale is wrongfully made.

(b) The lienholder shall file a bond so conditioned and in such sum with the ~~justice of the peace court,~~ and the surety thereon shall be approved by the ~~justice of the peace court~~ before making the sale ~~provided for in~~ under this subchapter.

SECTION 8. Arkansas Code § 18-46-114 is amended to read as follows:
18-46-114. Release on satisfaction or waiver of lien required.

(a) ~~When~~ If a lien has been satisfied or waived, the practitioner, nurse, hospital, or ambulance service provider that established or waived it shall, on written demand and at the expense of the patient, or the person by whom the patient was injured, or by the insurer obligated by reason of the injury, give a written release, ~~duly~~ acknowledged before a ~~justice of the peace or~~ notary public.

(b)(1) Any practitioner, nurse, hospital, or ambulance service

provider that refuses or fails under the circumstances stated, for a period of five (5) days or more after a written demand is made for a release, to execute and deliver the release ~~shall be~~ is liable to the demandant for ~~any~~ injury or damage that results from refusal or failure.

(2) ~~In any event he~~ He or she shall forfeit to the demandant the sum of twenty-five dollars (\$25.00), which may be recovered in ~~any an~~ an action for damages because of the failure, or in a civil action before a ~~justice of the peace~~ court having jurisdiction, as the circumstances of the case require.

SECTION 9. Arkansas Code § 18-48-303 is amended to read as follows:

18-48-303. Filing of claim — Summons.

(a)(1) At any time within twenty (20) months after the right of action accrues, the owner of the male animal may ~~file a written statement with any justice of the peace in the county~~ bring a civil action before a court having jurisdiction.

(2) ~~This statement~~ The petition shall be ~~duly~~ verified and shall set forth the amount of the claim, the cause of action, and a description of the animal upon which there is a lien.

(b) The ~~justice court~~ shall ~~thereupon~~ issue summons as in other cases and embody in the summons a description of the animal and an order to the ~~constable~~ law enforcement officer to take the animal and her offspring, if there is offspring, and hold it or them subject to the order of the court.

/s/Lemons