

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1768

By: Representative Cozart
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE NOTICE OF A LIEN UPON RESIDENTIAL REAL ESTATE; TO CLARIFY THE MEANING OF A DIRECT SALE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE NOTICE OF A LIEN UPON RESIDENTIAL REAL ESTATE; AND TO CLARIFY THE MEANING OF A DIRECT SALE.

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

SECTION 1. Arkansas Code § 18-44-115(a)(8), concerning the notice required for a lien upon residential real estate, is amended to read as follows:

(8)(A) If the residential contractor supplies a performance and payment bond or if the transaction is a direct sale to the property owner, the notice requirement of this subsection shall not apply, and the lien rights arising under this subchapter shall not be conditioned on the delivery and execution of the notice.

(B) A sale shall be a direct sale only if+

~~(i) The~~ the property owner orders materials or services from the lien claimant; ~~and~~

~~(ii) The lien claimant is not a home improvement contractor as defined by § 17-25-502(1) or a residential building contractor as defined by § 17-25-502(2).~~

