

# **State Board of Appraisers, Abstracters, and Home Inspectors**

## **Arkansas Abstracters Board**

### **A.C.A. § 17-11-101. Title.**

This chapter shall be known and may be cited as the “Abstracters’ Licensing Law of 1969”.

Credits

Acts of 1969, Act 109, § 1.

### **A.C.A. § 17-11-102. Definitions.**

As used in this chapter, unless the context otherwise requires:

(1) “Abstract of title” means a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained;

(2)(A) “Abstract plant” means a set of records in which an entry has been made of all documents or matters which under the law impart constructive notice of matters affecting title to all real property or any interest therein or encumbrances thereon, which have been filed or recorded in the county or district thereof for which a title plant is maintained from earliest records available in the county or district thereof and continually thereafter.

(B) Such records shall consist of an index or indices in which notations of or references to any documents that describe the property affected thereby are posted, entered, or otherwise included, according to the property described therein or copies or briefs of all documents that describe the property affected thereby which are sorted and filed according to the property described therein;

(3) “Business of abstracting” means the making, compiling, or selling of abstracts of title or title evidence purporting to be based upon information from an abstract plant;

(4) “Certificate of authority” means the authorization to engage in the business of abstracting in a county or district thereof in the State of Arkansas granted to a person, firm, or private corporation in possession of an abstract plant; and

(5) “Registered abstracter” means an individual registered under this act and holding an operative certificate of registration to prepare abstracts of title to real property in any county in this state or any person holding a license to practice law within the State of Arkansas.

Credits

Acts of 1969, Act 109, § 2; Acts of 1980 (1st Ex. Sess.), Act 23, § 1.

**A.C.A. § 17-11-103. Penalties.**

(a) Any person, firm, partnership, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense. Each succeeding day on which the provisions of this chapter are violated shall be a separate offense.

(b) If any licensed abstractor shall willfully falsify any public record or information contained therein, he or she shall be guilty of a felony and punished accordingly in addition to his or her civil liability.

Credits

Acts of 1969, Act 109, §§ 11, 12.

**A.C.A. §§ 17-11-201 to 17-11-204. [Repealed by Acts of 2007, Act 1042, § 2, eff. July 31, 2007]**

Credits

Acts of 2007, Act 1042, § 2, eff. July 31, 2007.

**A.C.A. § 17-11-301. Certificate of registration required.**

(a)(1) Every person, firm, or private corporation engaged in the business of abstracting in one (1) county only, shall be or have in its employ a registered abstractor.

(2) Every person, firm, or private corporation engaged in the business of abstracting in more than one (1) county in this state shall have at least one (1) registered abstractor for each county in which it maintains an abstract office.

(b) No person shall execute an abstract certificate or otherwise attest to the accuracy of abstracts unless the person is a registered abstractor as defined in this chapter.

(c)(1) Each person engaged in the business of abstracting who is a registered abstractor may fulfill the requirements of subsection (a) of this section in one (1) county only.

(2) No registered abstractor may fulfill the requirements of subsection (a) of this section for more than one (1) county or more than one (1) company at any one (1) time.

Credits

Acts of 1969, Act 109, § 5.

**A.C.A. § 17-11-302. Certificate of registration – Application.**

(a) Any person desiring to become a registered abstractor under this chapter shall make application to the State Board of Appraisers, Abstracters, and Home Inspectors for registration.

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration.

(c) Except as provided in subsection (e) of this section, each application shall be accompanied by an examination fee in the sum of twenty-five dollars (\$25.00).

(d) Thereupon the board shall notify the applicant of the time and place of the next scheduled examination and notice of the examination shall be given to the applicant by mail.

(e) Any person authorized to practice law in this state shall be issued a certificate of registration upon application, without examination and payment of fee.

Credits

Acts of 1969, Act 109, § 5; Acts of 2007, Act 1042, § 4, eff. July 31, 2007; Acts of 2019, Act 990, § 3, eff. July 24, 2019; Acts of 2023, Act 628, § 5, eff. July 1, 2023.

**A.C.A. § 17-11-303. Certificate of registration – Examination.**

The examination required under this chapter shall be in the form of written interrogatories as may be prescribed by the State Board of Appraisers, Abstracters, and Home Inspectors to determine the proficiency of the applicant.

Credits

Acts of 1969, Act 109, § 5; Acts of 2007, Act 1042, § 5, eff. July 31, 2007; Acts of 2023, Act 628, § 6, eff. July 1, 2023.

**A.C.A. § 17-11-304. Certificate of registration – Issuance or reapplication.**

(a) If the applicant satisfactorily passes the examinations, the applicant shall be certified as a registered abstracter, and the certificate provided for shall be issued to him or her. The privileges granted by the certificate shall continue unless revoked, as provided in this chapter, or unless the certificate is otherwise surrendered to the State Board of Appraisers, Abstracters, and Home Inspectors.

(b) The certificate shall be in a form prescribed by the board and shall attest that the person possesses the knowledge, skill, ability, and understanding of abstracting and is designated a registered abstracter. The certificate shall be prominently displayed in the abstract office wherein the person is employed.

(c) An applicant failing to satisfy the board that he or she possesses the qualifications or proficiency to become a registered abstracter may reapply for registration if the application is accompanied by the examination fee provided for in § 17-11-302(c), but no application shall be submitted sooner than six (6) months following the date on which the last previous examination was administered to the applicant.

(d) Each holder of a certificate shall pay an annual fee to be set by the board.

Credits

Acts of 1969, Act 109, § 5; Acts of 2007, Act 1042, § 6, eff. July 31, 2007; Acts of 2019, Act 990, § 4, eff. July 24, 2019; Acts of 2023, Act 628, § 7, eff. July 1, 2023.

**A.C.A. § 17-11-305. Certificate of registration – Temporary.**

(a) The State Board of Appraisers, Abstracters, and Home Inspectors upon application to the board by any person succeeding to the ownership of any abstract plant or business by any means other than by purchase, or any person who by reason of the incapacity of any registered abstracter owner of any abstract plant or business is required to assume the operation of the abstract plant or business, may grant to the person without examination a temporary certificate of registration.

(b) The fee for a temporary certificate of registration shall be fifteen dollars (\$15.00).

(c) This certificate shall expire six (6) months after its date or upon the expiration of sixty (60) days after the next regularly scheduled examinations which could be taken by the applicant under the rules of the board, whichever period is longer.

(d) The board shall notify the applicant by mail of the time and place of the examination.

Credits

Acts of 1969, Act 109, § 5; Acts of 2007, Act 1042, § 7, eff. July 31, 2007; Acts of 2019, Act 315, § 1325, eff. July 24, 2019; Acts of 2023, Act 628, § 8, eff. July 1, 2023.

**A.C.A. § 17-11-306. Unregistered assistants.**

Nothing in this chapter shall be construed as prohibiting any person, firm, or corporation holding a valid and subsisting certificate of authority from employing such clerical and stenographic assistants as may be necessary in the conduct of its business who are not registered under this chapter.

Credits

Acts of 1969, Act 109, § 9.

**A.C.A. §§ 17-11-307 to 17-11-319. Reserved**

**A.C.A. § 17-11-320. Certificate of authority required.**

No person, firm, or corporation shall engage in the business of abstracting in this state until a certificate of authority has been issued to the person, firm, or corporation by the State Board of Appraisers, Abstracters, and Home Inspectors.

Credits

Acts of 1969, Act 109, § 7; Acts of 2007, Act 1042, § 8, eff. July 31, 2007; Acts of 2023, Act 628, § 9, eff. July 1, 2023.

**A.C.A. § 17-11-321. Certificate of authority – Application – Issuance.**

(a) Any person, firm, or corporation desiring to engage in the business of abstracting in this state shall make application to the State Board of Appraisers, Abstracters, and Home Inspectors for a certificate of authority.

(b) The application shall:

(1) Be in a form prepared by the board;

(2) Contain such information as may be necessary to assist the board in determining whether the applicant has complied with the provisions of this chapter; and

(3) Be accompanied by an application fee in the sum of twenty-five dollars (\$25.00).

(c) The applicant shall furnish proof that:

(1) The applicant has available an abstract plant for each county for which abstracts will be prepared, which abstract plant shall be made available for examination by the board;

(2) The applicant is or has employed a registered abstracter; and

(3) The bond requirements provided for in § 17-11-324 have been complied with.

(d)(1) When the foregoing things have been done or conditions exist and approved by the board, the board shall issue a certificate of authority in such form as it may prescribe, attesting to the same and indicating the county of this state wherein the applicant may operate.

(2) The certificate shall be prominently displayed in the office of the applicant.

#### Credits

Acts of 1969, Act 109, § 7; Acts of 2007, Act 1042, § 9, eff. July 31, 2007; Acts of 2023, Act 628, § 10, eff. July 1, 2023.

#### **A.C.A. § 17-11-322. Certificate of authority – Expiration – Renewal.**

(a)(1) All certificates of authority issued pursuant to the provisions of this chapter shall expire on the same date, irrespective of when issued.

(2) Expiration dates of the certificates, either renewal or original, shall be the July 1 following the year from the preceding expiration date.

(b) Current and subsisting certificates of authority shall be renewed as provided for in this section for a one-year period upon payment of a renewal fee in the sum to be set by the State Board of Appraisers, Abstracters, and Home Inspectors.

(c)(1)(A) No more than sixty (60) days nor less than thirty (30) days before the expiration date of the certificate issued, the board shall cause a notice of expiration and application for renewal to be mailed to each of the holders of the certificates.

(B) The notice and application shall be in a form prepared by the board.

(2) Upon determination by the board of the applicant's compliance with this chapter, a renewal certificate of authority shall be issued to the applicant.

(d)(1)(A) If a holder of a certificate of authority fails to apply for renewal of his or her authority and to pay the fee provided therefor, the board shall cause to be mailed to the holder a notice that his or her certificate has expired and is no longer valid authority for the person to engage in the business of abstracting.

(B) The notice shall be mailed not more than thirty (30) days following the certificate expiration date.

(C) The holder shall be granted an additional period of sixty (60) days from the date of mailing the notice within which to file his or her application for renewal.

(2)(A) The name of any holder failing to renew his or her authority pursuant to the terms of this section shall be stricken from the records of the board.

(B) Such a person, firm, or corporation shall no longer engage in the business of abstracting in this state until so authorized by the board.

Credits

Acts of 1969, Act 109, § 7; Acts of 2007, Act 1042, § 10, eff. July 31, 2007; Acts of 2023, Act 628, § 11, eff. July 1, 2023.

**A.C.A. § 17-11-323. Access to public records.**

(a)(1) Holders of certificates of authority and their employees in the conduct of the business of abstracting shall have access to the public records in any office of any city or county or of the state.

(2) They shall be permitted to make memoranda or notations therefrom or copies thereof and to occupy reasonable space with equipment for that purpose, subject to the reasonable regulation of the custodian of the public records and during the business hours of the office, in order to enable certificate holders to make and prepare abstracts and to compile, post, copy, and maintain their books, records, and indices.

(b) No persons other than the custodian of the records shall remove real estate records from the recorder's office.

Credits

Acts of 1969, Act 109, § 7; Acts of 1991, Act 1002, § 1.

**A.C.A. § 17-11-324. Bond, insurance, or personal surety.**

(a)(1)(A) Before the certificate of authority is issued, the applicant shall file with the State Board of Appraisers, Abstracters, and Home Inspectors a bond approved by the board conditioned upon the payment by the applicant of any and all damages that may be sustained by or may accrue to any person, firm, or corporation for whom the applicant may compile, make, or furnish abstracts of title by reason of or on account of any error, deficiency, or mistake in any abstract or certificate, or any continuation, made or issued by the abstracter over its authorized signature and seal.

(B) The bond shall be written by a corporate surety or other company issuing such bonds licensed and authorized to do business in this state.

(2)(A) The bond shall remain in full force and effect for a period of one (1) year and may be renewed annually by a continuation certificate.

(B) However, no continuation certificate shall operate to increase the penal sum of the bond

beyond the limits established in this section.

(3)(A) The penal sum of the bond shall be dependent upon the aggregate population, according to the latest federal census, of all counties in which the applicant proposes to conduct the business of abstracting, as follows:

<b>If the population is:</b>	<b>The penalty of the bond shall be:</b>
Less than 25,000 .....	\$ 5,000
More than 25,000 but less than 50,000 .....	10,000
50,000 but less than 100,000.....	15,000
100,000 but less than 200,000 .....	20,000
Over 200,000 .....	25,000

(B) No person, firm, or corporation shall be required at any time to have in force and effect and filed with the board valid bonds in excess of the penal sum of twenty-five thousand dollars (\$25,000).

(b)(1) In lieu of the bond or bonds provided for in subsection (a) of this section, the applicant may file proof with the board that he or she carries abstractors' liability insurance in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section.

(2) The proof shall be the filing of the actual policy or a certificate showing the issuance thereof by the insurance company.

(c)(1) In lieu of bond or bonds or liability insurance provided for in subsections (a) and (b) of this section, the applicant shall have the right to file with the board a personal surety bond in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section, made in favor of any person or client that may suffer a loss for which he or she is liable, which shall be accepted in lieu of the insurance policy.

(2) The personal bond shall have the signatures of at least three (3) other persons thereon whose total net worth shall be at least three (3) times the total amount of the personal bond.



(3) The applicant shall pay for the actual cost of the credit reports on the bondsmen.

Credits

Acts of 1969, Act 109, § 6; Acts of 2007, Act 1042, § 11, eff. July 31, 2007; Acts of 2023, Act 628, § 12, eff. July 1, 2023.

**A.C.A. §§ 17-11-325 to 17-11-339. Reserved**

**A.C.A. § 17-11-340. Revocation of certificates – Grounds.**

(a) The State Board of Appraisers, Abstracters, and Home Inspectors is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of registration issued to any person under the provisions of this chapter:

- (1) For a violation of any of the provisions of this chapter;
- (2) Upon a conviction of the holder of such a certificate of a crime under § 17-3-102; or
- (3) If the board finds the holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.

(b) The board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of authority issued to any person, firm, or corporation under the provisions of this chapter for:

- (1) Failure to furnish the bond or bonds, or other securities, required by § 17-11-324;
- (2) Failure to properly maintain an abstract plant;
- (3) Failure to have employed a registered abstracter as provided in § 17-11-301; or
- (4) Otherwise violating any of the provisions of this chapter.

Credits

Acts of 1969, Act 109, § 8; Acts of 2007, Act 1042, § 12, eff. July 31, 2007; Acts of 2019, Act 990, § 5, eff. July 24, 2019; Acts of 2023, Act 628, § 13, eff. July 1, 2023.

**A.C.A. § 17-11-341. Revocation of certificates – Procedures – Appeal.**

(a)(1) Upon a verified complaint's being filed with the State Board of Appraisers, Abstracters, and Home Inspectors or upon the board's own motion filing a complaint charging the holder of a certificate of registration with a violation of any of the provisions of this chapter, or conviction of a crime under § 17-3-102, or habitual carelessness or fraudulent practices in the conduct of the business of abstracting, or charging the holder of a certificate of authority with failure to furnish the bond or bonds, or other securities, required by § 17-11-324, or with failing to have employed a registered abstracter as provided in § 17-11-301, or with a violation of any of the provisions of this chapter, the board shall immediately notify in writing by registered mail, with return receipt, the holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

(2) The board shall at the same time require the holder of the certificate to appear before it on a day fixed by the board, not less than twenty (20) days nor more than forty (40) days from the date of the service of the complaint on the holder of the certificate, and to show cause why the certificate should not be cancelled and revoked.

(3) Under the hand of its chair and the seal of the board, the board may subpoena witnesses and compel their attendance and may require the production of books, papers, and other documents.

(4) The chair or secretary-treasurer may administer oaths or affirmations to witnesses appearing before the board.

(5)(A) If any person refuses to obey any subpoena so issued or refuses to testify or to produce any books, papers, or other documents, the board may present its petition to any court of record, setting forth the facts.

(B) Thereupon the court shall, in a proper case, issue its subpoena to the person requiring his or her attendance before the court and there to testify or produce such books, papers, and documents as may be deemed necessary and pertinent.

(6) The holder of the certificate shall be entitled to counsel at any hearing before the board or any other hearing involving revocation of his or her certificate.

(7) The board shall cause a transcript of any testimony taken to be made by a reporter or stenographer.

(b)(1)(A) Either the respondent or the complainant may appeal from the decision of the board to the circuit court in the county in which the respondent has his or her or its place of business.

(B) The appeal shall be taken within thirty (30) days after the decision of the board by causing a written notice of appeal to be served on the secretary-treasurer of the board and executing a bond to the State of Arkansas, with surety to be approved by the secretary-treasurer of the board, conditioned to pay all costs that may be adjudged against the appellant.

(2) Upon an appeal's being taken, the secretary-treasurer of the board shall immediately make

out a return of the proceedings in the matter before the board with its decision thereon and file them together with the bond and all the papers pertaining thereto in his or her possession, including a certified record of testimony taken at the hearing, with the clerk of the court to which the appeal is taken.

(3) The court shall hear the appeal as a trial de novo, and the costs of the appeal, including the furnishing of the testimony, shall be taxed as the court may direct.

(4) An appeal shall stay the cancellation of any certificate of registration or certificate of authority until the final decision is had on appeal.

#### Credits

Acts of 1969, Act 109, § 8; Acts of 2007, Act 1042, § 13, eff. July 31, 2007; Acts of 2019, Act 990, § 6, eff. July 24, 2019; Acts of 2023, Act 628, § 14, eff. July 1, 2023.

#### **A.C.A. § 17-11-342. Seal.**

Any licensee under this chapter shall provide a seal, which shall have stamped on the license the name of the licensee, and shall deposit with the State Board of Appraisers, Abstracters, and Home Inspectors an impression of the seal and the names of all persons authorized to sign certificates to abstracts on behalf of the licensee.

#### Credits

Acts of 1969, Act 109, § 11; Acts of 2007, Act 1042, § 14, eff. July 31, 2007; Acts of 2023, Act 628, § 15, eff. July 1, 2023.

#### **A.C.A. § 17-11-343. Abstract as evidence.**

An abstract or photostat or verbatim copy of any public record, where certified by and impressed with the official seal of any licensed abstracter, shall be admissible in evidence, if otherwise admissible, on behalf of any party litigant in any court in the State of Arkansas and shall be prima facie evidence of the facts recited therein.

#### Credits

Acts of 1969, Act 109, § 11.

**A.C.A. §§ 17-11-401, 17-11-402. [Repealed by Acts of 2023, Act 628, §§ 16, 17, eff. July 1, 2023]**

#### Credits

Acts of 2023, Act 628, §§ 16, 17, eff. July 1, 2023.

**A.C.A. § 17-11-403. Duties and powers.**

(a)(1) The State Board of Appraisers, Abstracters, and Home Inspectors shall keep a register and shall record the following information in the register:

(A) The name and the place of business of each applicant for registration and certification;

(B) A notation of the action taken by the board on each application for registration and each application for certification;

(C) The date upon which each certificate of registration and each certificate of authority are issued; and

(D) Such other information as the board deems appropriate.

(2) The board shall maintain such other records, registers, and files as may be necessary for the proper administration of its duties under this chapter.

(b) The board may adopt rules for the proper administration of its powers and duties and the carrying out of the purposes of this chapter.

Credits

[Acts of 2007, Act 1042, § 3, eff. July 31, 2007; Acts of 2023, Act 628, § 18, eff. July 1, 2023.](#)

**A.C.A. § 17-11-404. Investigations -- Independent or private investigator.**

(a) A member of the State Board of Appraisers, Abstracters, and Home Inspectors shall not:

(1) Act as an investigator on a matter before the board; or

(2) Perform any investigative task or work required by the board.

(b)(1)(A) The board shall contract an independent investigator or private investigator to perform any investigative task or work as needed or as required by law.

(B) An independent investigator or private investigator contracted under subdivision (b)(1)(A) of this section shall have expertise or background in the subject matter in which he or she is being contracted to investigate.

(2) An appropriation made available for professional fees in the board's Operations appropriation act shall be made available to the board for the purpose of contracting under subdivision (b)(1) of this section.

(c)(1) The board shall file a report annually on or before December 1 with the Senate Committee

on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs for the Senate Committee on State Agencies and Governmental Affairs' and the House Committee on State Agencies and Governmental Affairs' review.

(2) The report shall include:

(A) The number of complaints that have been filed;

(B) A list of who has been investigated and the purported violation; and

(C) A summary of the findings of each investigation.

Credits

[Acts of 2023, Act 800, § 54, eff. July 1, 2023.](#)