

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1686

5 By: Representative A. Collins  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE DEFINITION OF "MARITAL PROPERTY"  
10 FOR PURPOSES OF DIVISION OF PROPERTY IN AN ACTION FOR  
11 DIVORCE; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE DEFINITION OF "MARITAL  
16 PROPERTY" FOR PURPOSES OF DIVISION OF  
17 PROPERTY IN AN ACTION FOR DIVORCE.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. DO NOT CODIFY. Findings and legislative intent.

23 The General Assembly finds and determines that in light of the Supreme  
24 Court case Moore v. Moore, 2016 Ark. 105 (2016), and in the context of  
25 division of marital property in an action for divorce, the common law  
26 doctrine of "active appreciation" established by the Supreme Court in Layman  
27 v. Layman, 292 Ark. 539, 731 S.W.2d 771 (1987), should be reflected in the  
28 law in order to ensure continuity and reasonable predictability in divorce  
29 proceedings.  
30

31 SECTION 2. Arkansas Code § 9-12-315(a), concerning the division of  
32 property, is amended to add an additional subdivision to read as follows:

33 (5) When a spouse acquires property before the marriage and the  
34 property increases in value during the marriage as a result of time, effort,  
35 or skill of a spouse, there shall be a presumption that the appreciated value  
36 of the property that results from the time, effort, or skill of the spouse is



1 marital property.

2  
 3 SECTION 3. Arkansas Code § 9-12-315(b)(5), concerning the division of  
 4 property, is amended to read as follows:

5 (5)(A) The increase in value of property acquired prior to  
 6 marriage or by gift or by reason of the death of another, including, but not  
 7 limited to, life insurance proceeds, payments made under a deferred  
 8 compensation plan, or an individual retirement account, and property acquired  
 9 by right of survivorship, by a trust distribution, by bequest or inheritance,  
 10 or by a payable on death or a transfer on death arrangement, or in exchange  
 11 therefor;

12 (B) However, when the increase in the value of the  
 13 property in subdivision (b)(5)(A) of this section resulted from the time,  
 14 effort, or skill of a spouse, there shall be a presumption that the  
 15 appreciated value of the property that results from the time, effort, or  
 16 skill of the spouse is marital property.