

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Willems**

**A BILL ACT 997 OF 1991**  
**HOUSE BILL 1556**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARK. CODE ANN. §16-114-203 PERTAINING TO  
9 STATUTE OF LIMITATIONS FOR MEDICAL MALPRACTICE INVOLVING A  
10 MINOR; AND FOR OTHER PURPOSES."

11

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

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14 SECTION 1. Ark. Code Ann. §16-114-203 is amended to read as follows:

15 "16-114-203. Statute of limitations.

16 (a) Except as otherwise provided in this section, all actions for  
17 medical injury shall be commenced within two (2) years after the cause of  
18 action accrues.

19 (b) The date of the accrual of the cause of action shall be the date of  
20 the wrongful act complained of and no other time. However, where the action  
21 is based upon the discovery of a foreign object in the body of the injured  
22 person which is not discovered and could not reasonably have been discovered  
23 within such two-year period, the action may be commenced within one (1) year  
24 from the date of discovery or the date the foreign object reasonably should  
25 have been discovered, whichever is earlier.

26 (c) Except as otherwise provided in subsection (d) of this section, if  
27 at the time at which the cause of action for medical injuries occurring from  
28 obstetrical care shall or with reasonable diligence might have first been  
29 known or discovered, the person to whom such claim has accrued shall be nine  
30 (9) years of age or younger, then such minor or the person claiming through  
31 such minor may, notwithstanding that the period of time limited pursuant to  
32 subsection (a) of this section shall have expired, commence action on such  
33 claim at any time within two (2) years next after the time at which the minor  
34 shall have reached his ninth birthday, or shall have died, whichever shall  
35 have first occurred.

(d) If at the time at which the cause of action  
36 for medical injuries occurring from obstetrical care shall or with reasonable

1 diligence might have been first known or discovered, the person to whom such  
2 claim has accrued shall be a minor without a parent or legal guardian, then  
3 such minor or the person claiming through such minor may, notwithstanding that  
4 the period of time limited pursuant to subsection (a) of this section shall  
5 have expired, commence action on such claim at any time within two (2) years  
6 next after the time at which the minor shall have a parent or legal guardian  
7 or shall have died, whichever shall have first occurred; provided, however,  
8 that in no event shall the period of limitation begin to run prior to such  
9 minor's ninth birthday unless such minor shall have died.

10 (e) Any person who had been adjudicated incompetent at the time of the  
11 act, omission, or failure complained of, shall have until one (1) year after  
12 that disability is removed in which to commence an action."

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14 SECTION 2. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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28 APPROVED: 4/8/91

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