

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: H2/2/01 H2/5/01 H2/8/01 S3/19/01*

2 83rd General Assembly

A Bill

Act 1119 of 2001

3 Regular Session, 2001

HOUSE BILL 1383

4

5 By: Representatives Bradford, Carson, Agee, Parks, Bond, Pritchard, Jones, Judy, D. Elliott, Womack,
6 Bevis, Bright, Ferguson, *Lowery*

7 By: Senators T. Smith, Riggs, Bisbee, Faris, Trusty, Horn

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10 For An Act To Be Entitled

11 AN ACT TO REINSTATE THE ACCEPTED-WORK DOCTRINE IN
12 ARKANSAS LAW, INCLUDING THE EXCEPTIONS TO THE
13 DOCTRINE RECOGNIZED AT COMMON LAW; AND FOR OTHER
14 PURPOSES.

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Subtitle

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AN ACT TO REINSTATE THE ACCEPTED-WORK
DOCTRINE.

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

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23 SECTION 1. Arkansas Code 16-56-112(g) is amended to read as follows:

24 (g) As used in this section, the term "person" shall mean an
25 individual, corporation, trust, partnership, unincorporated organization,
26 limited liability company, or any other business association or entity.

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28 SECTION 2. Arkansas Code 16-56-112 is amended to add the following new
29 subsection:

30 (h)(1) It is the intent of the General Assembly, and the purpose of
31 this subsection, to reinstate and to codify the accepted-work doctrine for
32 publicly owned improvements to public property, which was repudiated by the
33 Arkansas Supreme Court in Suneson v. Holloway Construction Co., 337 Ark. 571
34 (1999).

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36 (2)(A) A contractor who performs the construction or repair of
any publicly owned improvement to public real property in substantial

1 compliance with the designs or plans, after a practical acceptance of the
2 completion of the improvement by the person *representing the government entity*
3 in actual possession or control thereof as proprietor, owner, tenant or
4 otherwise, shall incur no further liability to third parties by reason of the
5 condition of the work *unless contracted otherwise by the parties.*

6 (B) The contractor may be liable for an improvement that is a
7 *nuisance per se, or that contains a defect that could not reasonably be*
8 *detected on inspection by the proprietor, or that was turned over by the*
9 *contractor in a manner so negligently defective as to be eminently dangerous*
10 *to third persons.*

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12 SECTION 3. *This act shall not apply to any case based upon facts which*
13 *occurred prior to the effective date of this act.*

14 */s/ Bradford*

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17 APPROVED: 3/27/2001
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