

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

# A Bill

**HOUSE BILL IIII**

## **For An Act To Be Entitled**

8 "AN ACT TO LIMIT THE LIABILITY OF CHARITABLE  
9 ORGANIZATIONS; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. For purposes of this act:

14 (1) "Charitable organization" means any benevolent, philanthropic,  
15 patriotic, or eleemosynary person or *entity other than a health care facility*  
16 or one purporting to be such which qualifies under Section 501(c)(3) of the  
17 Internal Revenue Code and is located within the State of Arkansas.

18 (2) "Employee" means an agent, servant, employee, or officer of a  
19 charitable organization.

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21 SECTION 2. Any person sustaining an injury or dying by reason of the  
22 commission of a tortious act or omission of an employee of a charitable  
23 organization, when the employee is acting within the scope of his employment,  
24 may only recover in any action brought against the charitable organization for  
25 the actual damages he may sustain in an amount not exceeding *one hundred*  
26 *thousand dollars (\$100,000)*. The judgment in such an action shall constitute  
27 a complete bar to any action by the claimant, by reason of the same subject  
28 matter, against the employee of the charitable organization whose act or  
29 omission gave rise to the claim. The plaintiff, when bringing such an action,  
30 shall only name as a party defendant the charitable organization for which the  
31 employee was acting and shall not name the employee individually unless the  
32 charitable organization for which the employee was acting cannot be determined  
33 at the time the action is instituted. In the event the employee is  
34 individually named, the entity for which the employee was acting shall be  
35 substituted as the party defendant when it can be so reasonably determined.

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SECTION 3. The bar to any action provided in Section 2 shall not apply where the employee is adjudged to have acted recklessly, wantonly, or grossly negligently.

*SECTION 4. This act shall not be construed as repealing or superseding any other law granting civil immunity, in whole or in part.*

SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/ A. Givens*