

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §16-114-204 TO DEFINE THE
9 DATE OF SERVICE OF NOTICE BY MAIL AS THE DATE OF MAILING;
10 TO PERMIT THE SERVICE OF THE NOTICE OF INTENT TO SUE IN
11 MEDICAL MALPRACTICE CASES BY HAND DELIVERY; TO EXTEND THE
12 PERIOD OF TIME FOR FILING SUIT AFTER THE STATUTE OF
13 LIMITATIONS HAS EXPIRED FROM TEN (10) DAYS TO THIRTY (30)
14 DAYS; AND FOR OTHER PURPOSES."

15

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

17

18 SECTION 1. Arkansas Code §16-114-204 is hereby amended to read as
19 follows:

20 "16-114-204. Notice of intent to sue.

21 (a) No action for medical injury shall be commenced until at least
22 sixty (60) days after service upon the person or persons alleged to be liable,
23 by certified or registered mail to the last known address of the person or
24 persons allegedly liable, of a written notice of the alleged injuries and the
25 damages claimed. Provided, service of the written notice of the alleged
26 injuries and damages claimed may also be made by hand delivery.

27 (b) If the notice is served within sixty (60) days of the expiration of
28 the period for bringing suit described in 16-114-203, the time for
29 commencement of the action shall be extended ninety (90) days from the service
30 of the notice. When service is by certified or registered mail, the date of
31 service of the notice shall be the date of the mailing of the written notice."

32

33 SECTION 2. All provisions of this act of general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

sjk001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

SECTION 3. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does 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 severable.

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 All laws and parts of laws in conflict with this act are hereby repealed.