

*As Engrossed: 2/8/93*

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1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Scott**

# A Bill

**SENATE BILL 45**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 18-60-108(a)  
9 RELATING TO THE LIABILITY OF LANDOWNERS TO TRESPASSERS;  
10 AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT RELATING TO THE LIABILITY OF LANDOWNERS TO  
14 TRESPASSERS."

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

18 SECTION 1. Arkansas Code Annotated §18-60-108(a) is amended to read as  
19 follows:

20 "(a) An Owner, lessee, or occupant of land does not owe a duty of care  
21 to a trespasser on the land, and is not liable for any injury to a trespasser  
22 on the land, and no cause of action shall arise against the owner, lessee, or  
23 occupant of land until the presence of the trespasser on the premises is known  
24 and then the owner, lessee or occupant of the land shall be liable only for  
25 injuries caused by the willful and wanton misconduct of the owner, lessee, or  
26 occupant."

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

32 SECTION 3. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without

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1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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5 hereby repealed.

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7 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
8 Assembly of the State of Arkansas that present law subjects landowners to  
9 liability for injuries to trespassers caused by the landowners\_ gross  
10 negligence which is something less than the willful and wanton misconduct  
11 which should cause a defendant in rightful possession of real estate to be  
12 liable to a trespasser who is injured. Therefore, an emergency is hereby  
13 declared to exist and this act being necessary for the immediate preservation  
14 of the public peace, health, and safety, shall be in full force and effect  
15 from and after its passage and approval.

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*/s/ Senator Scott*

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