

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 735 OF 1995
SENATE BILL 219

4 **By: Senators Mahony, Bookout, Hardin, and Everett**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 16-114-203 TO PROVIDE
9 THAT MINORS WHO ARE NINE (9) YEARS OF AGE OR YOUNGER SHALL
10 HAVE UNTIL THEIR ELEVENTH BIRTHDAY TO COMMENCE AN ACTION
11 FOR MEDICAL MALPRACTICE; AND FOR OTHER PURPOSES."

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Subtitle

14 "TO PROVIDE THAT MINORS WHO ARE 9 YEARS
15 OLD OR YOUNGER HAVE UNTIL THEIR 11TH
16 BIRTHDAY TO FILE MEDICAL MALPRACTICE
17 ACTIONS."

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

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21 SECTION 1. Arkansas Code Annotated § 16-114-203 is hereby amended to
22 read as follows:

23 "16-114-203. Statute of limitations.

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

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

34 (c) If an individual is nine (9) years of age or younger at the time
35 of the act, omission, or failure complained of, the minor or person claiming
36 on behalf of the minor shall have until the later of the minor's eleventh

1 birthday or two years from the act, omission or failure in which to commence
2 an action. However, if no medical injury is known and could not reasonably
3 have been discovered prior to the minor's eleventh (11th) birthday, then the
4 minor or his representative shall have until two (2) years after the medical
5 injury is known or reasonably could have been discovered, or until the minor's
6 nineteenth (19th) birthday, whichever is earlier, in which to commence an
7 action."

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

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13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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

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/s/Mahony et al

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APPROVED: 3-22-95

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