

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.
Act 928 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1766

5 By: Representative Thompson
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For An Act To Be Entitled

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9 AN ACT TO AMEND ARKANSAS CODE TITLE 18,
10 CHAPTER 16, SUBCHAPTER 1, TO CLARIFY THE
11 RESPONSIBILITIES OF LANDLORDS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 AN ACT TO CLARIFY THE RESPONSIBILITIES
16 OF LANDLORDS.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Statement of legislative purpose and intent.

22 (a) The General Assembly finds that the Arkansas Supreme Court has
23 requested its guidance regarding the law pertaining to a landlord's liability
24 to tenants and tenants' licensees and invitees for death, injuries, or
25 property damage suffered on the leased premises that are proximately caused
26 by defects or disrepair on the premises.

27 (b) As the Supreme Court recognized in Thomas v. Stewart, 347 Ark. 33,
28 60 S.W.3d 415 (2001) and Probst v. McNeill, 326 Ark. 623, 932 S.W.2d 766
29 (1996), for more than a century, Arkansas law has adhered to the common law
30 principle under which a landlord has no liability to a tenant or tenant's
31 guests absent the landlord's:

32 (1) Agreement supported by consideration or assumption by
33 conduct of a duty to undertake repair and maintenance; and

34 (2) Failure to perform the agreement or assumed duty in a
35 reasonable manner.



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