

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: H3/3/11*  
**A Bill**

SENATE BILL 333

5 By: Senators J. Dismang, Burnett, Files, S. Flowers, S. Harrelson, Holland, J. Hutchinson, J. Key, Luker,  
6 R. Thompson  
7 By: Representatives Carter, Clemmer, J. Edwards, English, Jean, Sanders, Shepherd, Vines, Woods,  
8 Wright  
9

10 **For An Act To Be Entitled**

11 AN ACT REGARDING THE AMOUNT IN CONTROVERSY IN A CIVIL  
12 ACTION; TO DECLARE AN EMERGENCY; AND FOR OTHER  
13 PURPOSES.  
14

15  
16 **Subtitle**

17 REGARDING THE AMOUNT IN CONTROVERSY IN A  
18 CIVIL ACTION AND TO DECLARE AN EMERGENCY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 16, Chapter 63, Subchapter 2 is amended  
24 to add a new section to read as follows:

25 16-63-221. Complaint – Amount in controversy.

26 (a) A plaintiff who files a complaint in a circuit or district court  
27 praying for an award of damages may, but is not required to state an amount  
28 in controversy for the purpose of establishing subject-matter jurisdiction  
29 and determine if the amount sought is within the jurisdictional limits of the  
30 court.

31 (b) A declaration allowed by subdivision (a)(1) of this section is  
32 binding on the plaintiff with respect to the amount in controversy unless the  
33 plaintiff subsequently amends the complaint to pray for damages in an amount  
34 that exceeds the jurisdictional limits of the court, at which time the  
35 amendment is governed by the Arkansas Rules of Civil Procedure.  
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1           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
2 General Assembly of the State of Arkansas that complaints are often  
3 misconstrued with respect to the amount in controversy; that a plaintiff  
4 should be allowed to state with specificity the actual amount sought; that  
5 when a plaintiff pleads with particularity the amount in controversy the  
6 plaintiff should be bound by that pleading; and that this act is immediately  
7 necessary because the rules regarding pleading civil complaints should be  
8 implemented without undue delay due to current strain on judicial dockets.  
9 Therefore, an emergency is declared to exist, and this act being immediately  
10 necessary for the preservation of the public peace, health, and safety shall  
11 become effective on:

12                   (1) The date of its approval by the Governor;

13                   (2) If the bill is neither approved nor vetoed by the Governor,  
14 the expiration of the period of time during which the Governor may veto the  
15 bill; or

16                   (3) If the bill is vetoed by the Governor and the veto is  
17 overridden, the date the last house overrides the veto.

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19                                   /s/J. Dismang

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22                                   **APPROVED: 03/18/2011**