

1 State of Arkansas *As Engrossed: H3/21/13 S4/4/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 2145

4

5 By: Representative Hammer

6 *By: Senator J. Hutchinson*

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For An Act To Be Entitled

9 AN ACT TO PROVIDE EXPANDED CHARITABLE IMMUNITY FOR
10 CHURCHES OR OTHER PLACES OF WORSHIP THAT ALSO ARE
11 POLLING SITES ON THOSE DAYS WHEN THE CHURCH OR OTHER
12 PLACE OF WORSHIP IS USED AS A POLLING SITE; AND FOR
13 OTHER PURPOSES.

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Subtitle

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

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*SECTION 1. Arkansas Code Title 16, Chapter 120, is amended to add a
27 new subchapter to read as follows:*

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Subchapter 5 – Charitable Immunity for a Church or Other Place of Worship

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16-120-501. Definitions.

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As used in this section:

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(1) "Church or other place of worship" means a physical location

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where persons congregate to practice a religion; and

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(2) "Polling site" means the same as defined in § 7-1-101.

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1 16-120-502. Charitable immunity for a church or other place of worship
2 that is used as a polling site.

3 A church or other place of worship is entitled to tort immunity as
4 provided in §§ 16-120-503 and 16-120-504 during the time the church or other
5 place of worship is used as a polling site.

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7 16-120-503. Church or other place of worship not vicariously liable.
8 A church or other place of worship or its agent is not vicariously
9 liable for the negligence of another person on the property of the church or
10 other place of worship during the time the church or other place of worship
11 is used as a polling site.

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13 16-120-504. Nonliability for damages – Exceptions.
14 A church or other place of worship is not liable for damages for
15 personal injury, death, or property damage sustained by a person on the
16 property of the church or other place of worship during the time the church
17 or other place of worship is used as a polling site except as follows:

18 (1) If the church or other place of worship is covered by a policy of
19 insurance, in which case liability for ordinary negligence is limited to the
20 amount of insurance coverage provided by the policy of insurance; or

21 (2) If the church or other place of worship or its agent acts in bad
22 faith or acts grossly negligent, recklessly, or intentionally.

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24 16-120-505. Subchapter supplemental.
25 This subchapter is supplemental to and does not affect any tort
26 immunity or charitable immunity a church or other place of worship may
27 otherwise have under the law.

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29 /s/Hammer

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32 **APPROVED: 04/11/2013**