	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 A Bill
3	Regular Session, 2005 HOUSE BILL 1766
4	
5	By: Representative Thompson
6	
7	
8	For An Act To Be Entitled
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	
14	Subtitle
15	AN ACT TO CLARIFY THE RESPONSIBILITIES
16	OF LANDLORDS.
17	
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.



1	(c)(1) The General Assembly further finds that the Supreme Court has
2	properly and correctly interpreted and applied the law and that existing law
3	should not be altered or extended.
4	(2) The purpose and intent of Section 2 of this act is to codify
5	this rule of law as it exists under Arkansas common law.
6	
7	SECTION 2. Arkansas Code Title 18, Chapter 16, Subchapter 1 is amended
8	to add an additional section to read as follows:
9	18-16-110. Landlord's liability arising from alleged defects or
10	disrepair of premises.
11	No landlord or agent or employee of a landlord shall be liable to a
12	tenant or a tenant's licensees or invitees for death, personal injury, or
13	property damage proximately caused by any defect or disrepair on the premises
14	absent the landlord's:
15	(1) Agreement supported by consideration or assumption by
16	conduct of a duty to undertake an obligation to maintain or repair leased
17	premises; and
18	(2) Failure to perform the agreement or assumed duty in a
19	reasonable manner.
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22	APPROVED: 3/18/2005
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