

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HJR 1014

4
5 By: Representatives L. Johnson, Dotson, Barker, Beaty Jr., Beck, Bentley, Brooks, Cavanaugh, Cloud,
6 Coleman, Deffenbaugh, Eubanks, Evans, Gonzales, Hawks, Hollowell, Lynch, McCollum, McGrew,
7 Payton, Pilkington, Ray, Rye, Speaks, Underwood
8 By: Senators Irvin, B. Ballinger, Beckham, Bledsoe, B. Davis, J. Dismang, L. Eads, J. English, Flippo, T.
9 Garner, Gilmore, Hester, Hill, B. Johnson, D. Wallace

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PERMIT
LIMITS ON AWARDS OF PUNITIVE DAMAGES AND NONECONOMIC
DAMAGES IN CIVIL ACTIONS.

Subtitle

A CONSTITUTIONAL AMENDMENT PERMITTING
LIMITS ON AWARDS OF PUNITIVE AND
NONECONOMIC DAMAGES.

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

26
27 THAT the following is proposed as an amendment to the Constitution of
28 the State of Arkansas, and upon being submitted to the electors of the state
29 for approval or rejection at the next general election for Representatives
30 and Senators, if a majority of the electors voting thereon at the election
31 adopt the amendment, the amendment shall become a part of the Constitution of
32 the State of Arkansas, to wit:

33
34 SECTION 1. Arkansas Constitution, Article 5, § 32, is amended to read
35 as follows:

36 § 32. Workmen's Compensation Laws – Actions for personal injuries.



1 (a) The General Assembly shall have power to enact laws prescribing
2 the amount of compensation to be paid by employers for injuries to or death
3 of employees, and to whom said payment shall be made. It shall have power to
4 provide the means, methods, and forum for adjudicating claims arising under
5 said laws, and for securing payment of same.

6 (b)(1) The General Assembly may enact laws limiting the amount of
7 punitive damages and noneconomic damages that may be awarded for each
8 claimant in actions for injuries resulting in death or for injuries to
9 persons or property, including without limitation medical injuries.

10 (2) As used in this section, "noneconomic damages" means damages
11 that cannot be measured in money, including without limitation any loss or
12 damage, however characterized, for one (1) or more of the following:

13 (A) Pain, suffering, and mental anguish;

14 (B) Scars, disfigurement, and visible results of an
15 injury;

16 (C) Loss of consortium; and

17 (D) Loss of life.

18 (c) ~~Provided, that otherwise~~ Except as provided in subsections (a) and
19 (b) of this section, no law shall be enacted limiting the amount to be
20 recovered for injuries resulting in death or for injuries to persons or
21 property; and in case of death from such injuries the right of action shall
22 survive, and the General Assembly shall prescribe for whose benefit such
23 action shall be prosecuted.

24
25 SECTION 2. SEVERABILITY. The provisions of this amendment are
26 severable, and if any should be held invalid, the remainder shall stand.

27
28 SECTION 3. EFFECTIVE DATE. This amendment to the Arkansas
29 Constitution shall be effective on and after January 1, 2023.

30
31 SECTION 4. BALLOT TITLE AND POPULAR NAME. When this proposed
32 amendment is submitted to the electors of this state on the general election
33 ballot:

34 (1) The popular name for this proposed amendment shall be "An
35 Amendment to the Arkansas Constitution Concerning Limits on Awards of
36 Punitive Damages and Noneconomic Damages in Civil Actions"; and

1 (2) The ballot title for this proposed amendment shall be "An
2 Amendment to the Arkansas Constitution Providing that the General Assembly
3 May Enact Laws Limiting the Amount of Punitive Damages and Noneconomic
4 Damages that May Be Awarded in Actions for Injuries Resulting in Death or for
5 Injuries to Persons or Property".

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36