

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 2145

TO PROVIDE EXPANDED CHARITABLE IMMUNITY FOR CHURCHES OR OTHER PLACES OF
WORSHIP THAT ALSO ARE POLLING SITES ON THOSE DAYS WHEN THE CHURCH OR OTHER PLACE
OF WORSHIP IS USED AS A POLLING SITE.

Amendment No. 1 to House Bill No. 2145

Amend House Bill No. 2145 as originally introduced:

Delete everything after the enacting clause and substitute:

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

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

16-120-501. Definitions.

As used in this section:

(1) "Church or other place of worship" means a physical location where persons congregate to practice a religion; and

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

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

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

16-120-503. Church or other place of worship not vicariously liable.

A church or other place of worship or its agent is not vicariously liable for the negligence of another person on the property of the church or other place of worship during the time the church or other place of worship is used as a polling site.

16-120-504. Nonliability for damages – Exceptions.

A church or other place of worship is not liable for damages for personal injury, death, or property damage sustained by a person on the property of the church or other place of worship during the time the church or other place of worship is used as a polling site except as follows:

(1) If the church or other place of worship is covered by a policy of



insurance, in which case liability for ordinary negligence is limited to the amount of insurance coverage provided by the policy of insurance; or

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

16-120-505. Subchapter supplemental.

This subchapter is supplemental to and does not affect any tort immunity or charitable immunity a church or other place of worship may otherwise have under the law.

The Amendment was read _____
By: Representative Hammer
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Chief Clerk