

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/21/13

# A Bill

HOUSE BILL 2145

5 By: Representative Hammer  
6

## For An Act To Be Entitled

8 AN ACT TO PROVIDE EXPANDED CHARITABLE IMMUNITY FOR  
9 CHURCHES OR OTHER PLACES OF WORSHIP THAT ALSO ARE  
10 POLLING SITES ON THOSE DAYS WHEN THE CHURCH OR OTHER  
11 PLACE OF WORSHIP IS USED AS A POLLING SITE; AND FOR  
12 OTHER PURPOSES.  
13  
14

## Subtitle

15 TO PROVIDE EXPANDED CHARITABLE IMMUNITY  
16 FOR CHURCHES OR OTHER PLACES OF WORSHIP  
17 THAT ALSO ARE POLLING SITES ON THOSE DAYS  
18 WHEN THE CHURCH OR OTHER PLACE OF WORSHIP  
19 IS USED AS A POLLING SITE.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

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

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

#### 16-120-501. Definitions.

##### As used in this section:

30 (1) "Church or other place of worship" means a physical location  
31 where persons congregate to practice a religion; and  
32

33 (2) "Polling site" means the same as defined in § 7-1-101.  
34  
35

36 16-120-502. Charitable immunity for a church or other place of worship



1 that is used as a polling site.

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

5  
6 16-120-503. Church or other place of worship not vicariously liable.

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

11  
12 16-120-504. Nonliability for damages – Exceptions.

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

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

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

22  
23 16-120-505. Subchapter supplemental.

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

27 /s/Hammer