

West's Arkansas Code Annotated
Title 21. Public Officers and Employees
Chapter 9. Liability of State and Local Governments (Refs & Annos)
Subchapter 3. Liability of Political Subdivisions

A.C.A. § 21-9-301

§ 21-9-301. Tort liability--Immunity declared

Effective: April 1, 2011

Currentness

(a) It is declared to be the public policy of the State of Arkansas that all counties, municipal corporations, school districts, public charter schools, special improvement districts, and all other political subdivisions of the state and any of their boards, commissions, agencies, authorities, or other governing bodies shall be immune from liability and from suit for damages except to the extent that they may be covered by liability insurance.

(b) No tort action shall lie against any such political subdivision because of the acts of its agents and employees.

Credits

Acts of 1969, Act 165, § 1; Acts of 1991, Act 542, § 7; Acts of 1993, Act 292, § 2, eff. March 1, 1993; Acts of 1999, Act 984, § 1, eff. July 30, 1999; Acts of 2011, Act 993, § 17, eff. April 1, 2011.

Formerly A.S.A. 1947, § 12-2901.

Notes of Decisions (128)

A.C.A. § 21-9-301, AR ST § 21-9-301

Current through end of 2013 Regular Session.

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A.C.A. § 21-9-302

§ 21-9-302. Tort liability; claims settlement

Currentness

Each county, municipal corporation, school district, special improvement district, or any other political subdivision of the state is authorized to provide for hearing and settling tort claims against it.

Credits

Acts of 1969, Act 165, § 2.

Formerly A.S.A. 1947, § 12-2902.

A.C.A. § 21-9-302, AR ST § 21-9-302

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A.C.A. § 21-9-303

§ 21-9-303. Motor vehicle liability insurance; requirement

Currentness

(a) All political subdivisions shall carry liability insurance on their motor vehicles or shall become self-insurers, individually or collectively, for their vehicles, or both, in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

(b) The combined maximum liability of local government employees, volunteers, and the local government employer in any action involving the use of a motor vehicle within the scope of their employment shall be the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., unless the political subdivision has purchased insurance coverage or participates in a self-insurance pool providing for an amount of coverage in excess of the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., in which event the maximum liability of the insurer or pool shall be the limits of the coverage provided for in the policy or agreement.

(c)(1) Any person who suffers injury or damage to person or property caused by a motor vehicle operated by an employee, agent, or volunteer of a local government covered by this section shall have a direct cause of action against the insurer if insured, or the governmental entity if uninsured, or the trustee or chief administrative officer of any self-insured or self-insurance pool.

(2) Any judgment against a trustee or administrator of a self-insurance pool shall be paid from pool assets up to the maximum limit of liability as provided in this section.

Credits

Acts of 1969, Act 165, § 3; Acts of 1987, Act 590, § 1; Acts of 1987, Act 1064, § 1; Acts of 1989 (3rd Ex. Sess.), Act 47, § 1.

Formerly A.S.A. 1947, § 12-2903.

Notes of Decisions (22)

A.C.A. § 21-9-303, AR ST § 21-9-303
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A.C.A. § 21-9-304

§ 21-9-304. State indemnification; certain actions

Currentness

(a) When any city of the first class, city of the second class, incorporated town, county, and its employees are called upon to assist the state and its employees and, as a result, are sued for their actions performed under the supervision of a state official or employee, the Attorney General shall defend the city of the first class, city of the second class, incorporated town, county, and its employees.

(b) Should a judgment be rendered against the city of the first class, city of the second class, incorporated town, county, or its employees, the state shall pay actual, but not punitive, damages adjudged by a state or federal court, or entered by the court as a result of a compromise settlement approved and recommended by the Attorney General, based on an act or omission by the officer or employee while acting without malice and in good faith within the course and scope of his or her employment and in performance of his or her official duties.

(c)(1) When cities of the first class, cities of the second class, incorporated towns, counties, and their employees are covered by any contract of insurance providing for legal defense, the cities of the first class, cities of the second class, incorporated towns, counties, their employees, and their insurers are not entitled to legal defense by the Attorney General.

(2) Any judgment rendered against the cities of the first class, cities of the second class, incorporated towns, counties, their employees, or their insurers shall be paid by the state only to the extent that the judgment amount exceeds the limits of liability established in the contract of insurance.

Credits

Acts of 1983, Act 711, § 1; Acts of 1987, Act 820, § 1.

Formerly A.S.A. 1947, § 12-3407.

A.C.A. § 21-9-304, AR ST § 21-9-304
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