

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 447

"AN ACT TO EXTEND IMMUNITY TO PROPERTY OWNERS WHO MAKE PROPERTY
AVAILABLE FOR MUNICIPAL WATER SUPPLY PURPOSES."

Amendment No. 2 to Senate Bill No. 447.

Amend Senate Bill No. 447 as engrossed, H2/25/05 (version: 02-25-2005 10:14):

Immediately following SECTION 6, add an additional section to read as follows:

"SECTION 7. Arkansas Code § 18-11-307 is amended to read as follows:
18-11-307. Exceptions to owner's immunity.

Nothing in this subchapter limits in any way liability which otherwise exists:

(1) For ~~malicious, but not mere negligent~~, failure to guard or warn against an ultra-hazardous condition, structure, personal property, use, or activity ~~actually known~~ foreseeable to the owner to be dangerous; and

(2) For injury suffered in any case in which the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that, in the case of land leased to the state, a subdivision thereof, or to a third person, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section."

AND

Appropriately renumber the sections of the bill.



The Amendment was read _____
By: Representative Mathis
KLL/YTC - 03-08-2005 13:40
KLL289

Chief Clerk