

**ARKANSAS SENATE**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of Senate Bill No. 905**

"AN ACT TO AMEND ARKANSAS CODE 16-116-102 CONCERNING THE DEFINITION  
OF SUPPLIER."

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**Amendment No. 1 to Senate Bill No. 905.**

Amend Senate Bill No. 905 as originally introduced:

Page 1, delete lines 9 through 11, of the TITLE and substitute the following:  
"AN ACT TO AMEND ARKANSAS CODE § 16-116 102 TO CLARIFY THE SCOPE OF ARKANSAS'  
PRODUCT LIABILITY LAW; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 14 through 16, of the SUBTITLE and substitute the  
following:  
"TO CLARIFY THE SCOPE OF ARKANSAS' PRODUCT LIABILITY LAW."

AND

Page 1, delete everything after the ENACTING CLAUSE and substitute:  
"SECTION 1. Arkansas Code Title 16, Chapter 116, Subchapter 1 is  
amended to read as follows:

16-116-102. Definitions.

As used in this subchapter:

(1) "Anticipated life" means the period over which the product  
may reasonably be expected to be useful to the user as determined by the  
trier of facts;

(2) "Defective condition" means a condition of a product that renders  
it unsafe for reasonably foreseeable use and consumption;

(3) "Manufacturer" means the designer, fabricator, producer,  
compounder, processor, or assembler of any product or its component parts;

(4) "Product" means any tangible object or goods produced, excluding  
real estate and improvements located thereon, provided, any tangible object  
or good produced that is affixed to, installed on or incorporated into real  
estate or any improvement thereon shall constitute a product under this act;  
and provided further, an improvement on real estate shall constitute a  
product in the event that environmental contaminants exist or have occurred  
in the improvement;

(5) "Product liability action" includes all actions brought for or on



account of personal injury, death, or property damage caused by, or resulting from, the manufacture, construction, design, formula, preparation, assembly, testing, service, warning, instruction, marketing, packaging, or labeling of any product;

(6)(A) "Supplier" means any individual or entity engaged in the business of selling a product, whether the sale is for resale, or for use or consumption.

(B) "Supplier" includes a retailer, wholesaler, or distributor and also includes a lessor or bailor engaged in the business of leasing or bailment of a product; ~~and.~~

(C) "Supplier" shall not include any licensee, as the term is defined in § 17-42-103(10), who is only providing brokerage and sales services under a license; and

(7)(A) "Unreasonably dangerous" means that a product is dangerous to an extent beyond that which would be contemplated by the ordinary and reasonable buyer, consumer, or user who acquires or uses the product, assuming the ordinary knowledge of the community or of similar buyers, users, or consumers as to its characteristics, propensities, risks, dangers, and proper and improper uses, as well as any special knowledge, training, or experience possessed by the particular buyer, user, or consumer or which he or she was required to possess.

(B) However, as to a minor, "unreasonably dangerous" means that a product is dangerous to an extent beyond that which would be contemplated by an ordinary and reasonably careful minor considering his or her age and intelligence.

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_  
By: Senator R. Thompson  
PBB/KSW - 03-07-2007 09:41  
PBB065 \_\_\_\_\_  
Secretary