

Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

Amendment Form

Subtitle of House Bill No. 1839

TO CREATE STATUTORY CHARITABLE IMMUNITY FOR CHURCHES OR OTHER PLACES OF
WORSHIP UNDER CERTAIN CIRCUMSTANCES.

Amendment No. 1 to House Bill No. 1839

Amend House Bill No. 1839 as originally introduced:

Delete everything under 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, "church or other place of worship" means a physical location where persons congregate to practice a religion.

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

(a) If a court determines an entity is a church or other place of worship, the entity is entitled to charitable immunity under this subchapter.

(b) Charitable immunity under this subchapter provides a church or other place of worship with tort immunity under §§ 16-120-503 and 16-120-504.

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 by a person on the property of the church or other place of worship.

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 by a person on the property of the church or other place of worship 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 Baine
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Chief Clerk