

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-106

State of Arkansas

As Engrossed: H3/13/09 H3/18/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1885

By: Representative Hyde

Filed with: House Interim Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ENCOURAGE FAIR DEALING IN CONTRACTS BY
REQUIRING HOLD HARMLESS LANGUAGE IN A CONTRACT TO
BE CLEAR AND CONSPICUOUS; AND FOR OTHER PURPOSES.

Subtitle

TO ENCOURAGE FAIR DEALING IN CONTRACTS
BY REQUIRING HOLD HARMLESS LANGUAGE IN A
CONTRACT TO BE CLEAR AND CONSPICUOUS.

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

SECTION 1. Arkansas Code Title 4, Chapter 56, Subchapter 1 is amended
to add an additional section to read as follows:

4-56-105. Hold harmless clause language – Clear and conspicuous.

(a) As used in this section

(1) "Clear" means language used in an ordinary way to convey
information so that a reasonable person understands its meaning.

(2) "Conspicuous" means attracting attention to language in a
contract so that a reasonable person will be alerted to its inclusion in the
contract, including, without limitation, the use of:

(A) Bold print;

(B) Capitalization;

(C) Contrasting color;

(D) Larger type;



