

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1323

By: Representative Gibson

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-64-122 PERTAINING TO A  
COMPARATIVE FAULT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 16-64-122 is hereby amended to read as follows:

"16-64-122. Comparative fault.

(a) In all actions for damages for personal injuries or wrongful death or injury to property in which recovery is predicated upon fault, liability shall be determined by comparing the fault chargeable to a claiming party with the fault chargeable to the party or parties from whom the claiming party seeks to recover damages, and the claiming party shall recover the amount of his damages after they have been diminished in proportion to the degree of his own fault.

(b) The word 'fault' as used in this section includes any act, omission, conduct, risk assumed, breach of warranty, or breach of any legal duty which is a proximate cause of any damages sustained by any party."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.