

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1790

By: Representatives Willems and McCoy

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-114-203 PERTAINING TO
STATUTE OF LIMITATIONS; AND FOR OTHER PURPOSES.'

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

SECTION 1. Arkansas Code 16-114-203 is hereby amended to read as follows:

"16-114-203. Statute of Limitations. All actions for medical injury shall be commenced within two (2) years after the cause of action accrues. The date of the accrual of the cause of action shall be the date of the wrongful act complained of, and no other time, except that where the action is based upon the discovery of a foreign object in the body of the injured person which is not discovered and could not reasonably have been discovered within such two (2) year period, the action may be commenced within one (1) year from the date of discovery or the date the foreign object reasonably should have been discovered, whichever is earlier. Provided that a minor who is under the age of nine (9) years at the time of the act, omission or failure complained of shall have two (2) years from the date of such action, omission or failure complained of or until the minor's eleventh (11th) birthday, whichever is longer."

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.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.