

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Dowd**

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §16-64-122 TO PROVIDE THAT  
9 WHERE THE ISSUE OF COMPARATIVE FAULT IS SUBMITTED TO THE  
10 JURY BY AN INTERROGATORY THE COUNSEL FOR THE PARTIES SHALL  
11 BE PERMITTED TO ARGUE THE EFFECT OF AN ANSWER TO ANY  
12 INTERROGATORY; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Ark. Code Ann. §16-64-122 is hereby amended to read as  
17 follows:

18 "16-64-122. Comparative fault.

19 (a) In all actions for damages for personal injuries or wrongful death  
20 or injury to property in which recovery is predicated upon fault, liability  
21 shall be determined by comparing the fault chargeable to a claiming party with  
22 the fault chargeable to the party or parties from whom the claiming party  
23 seeks to recover damages.

24 (b)(1) If the fault chargeable to a party claiming damages is of a  
25 lesser degree than the fault chargeable to the party or parties from whom the  
26 claiming party seeks to recover damages, then the claiming party is entitled  
27 to recover the amount of his damages after they have been diminished in  
28 proportion to the degree of his own fault.

29 (2) If the fault chargeable to a party claiming damages is equal  
30 to or greater in degree than any fault chargeable to the party or parties from  
31 whom the claiming party seeks to recover damages, then the claiming party is  
32 not entitled to recover such damages.

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

1 (d) In cases where the issue of comparative fault is submitted to the  
2 jury by an interrogatory, counsel for the parties shall be permitted to argue  
3 to the jury the effect of an answer to any interrogatory."  
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5 SECTION 2. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.  
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9 SECTION 3. If any provision of this act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 act are declared to be severable.  
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15 SECTION 4. All laws and parts of laws in conflict with this act are  
16 hereby repealed.  
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