

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 219

4 By: Senators Mahony, Bookout, Hardin, and Everett

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 16-114-203 TO PROVIDE
9 THAT MINORS WHO ARE NINE (9) YEARS OF AGE OR YOUNGER SHALL
10 HAVE UNTIL THEIR ELEVENTH BIRTHDAY TO COMMENCE AN ACTION
11 FOR MEDICAL MALPRACTICE; AND FOR OTHER PURPOSES."

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Subtitle

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

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

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"16-114-203. Statute of limitations.

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(a) Except as otherwise provided in this section, all actions for
medical injury shall be commenced within two (2) years after the cause of
action accrues.

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(b) The date of the accrual of the cause of action shall be the date
of the wrongful act complained of and no other time. However, 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-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.

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(c) If an individual is nine (9) years of age or younger at the time
of the act, omission, or failure complained of, the minor or person claiming

1 on behalf of the minor shall have until the later of the minor's eleventh
2 birthday or two years from the act, omission or failure in which to commence
3 an action. However, if no medical injury is known and could not reasonably
4 have been discovered prior to the minor's eleventh (11th) birthday, then the
5 minor or his representative shall have until two (2) years after the medical
6 injury is known or reasonably could have been discovered, or until the
7 minor's nineteenth (19th) birthday, whichever is earlier, in which to
8 commence an action."

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

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14 SECTION 3. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 4. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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/s/Mahony et al

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