

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1144

4
5 By: Representative Luker

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 21-9-303 TO CLARIFY THE
10 PROPER PARTY FOR SUITS AGAINST MUNICIPALITIES INVOLVING
11 MOTOR VEHICLE ACCIDENTS; AND FOR OTHER PURPOSES."

Subtitle

14 "TO CLARIFY THE PROPER PARTY FOR SUITS
15 AGAINST MUNICIPALITIES INVOLVING MOTOR
16 VEHICLE ACCIDENTS."

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

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20 SECTION 1. Arkansas Code 21-9-303(c) is amended to read as follows:

21 "(c)(1) Any person who suffers injury or damage to person or property
22 caused by a motor vehicle operated by an employee, agent, or volunteer of a
23 local government covered by this section shall have a ~~direct~~ cause of action
24 against ~~the insurer if insured, or the governmental entity if uninsured,~~ only
25 to the extent of the minimum limits prescribed in the Motor Vehicle Safety
26 Responsibility Act, §27-19-101 et seq., but shall have a direct cause of
27 action against the insurer or the trustee or chief administrative officer of
28 any self-insured or self-insurance pool which provides for a payment of any
29 judgment in excess of the required minimum limits.

30 (2) Any judgment against a trustee or administrator of a self-
31 insurance pool shall be paid from pool assets up to the maximum limit of
32 liability as herein provided."

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

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

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 All laws and parts of laws in conflict with this act are hereby repealed.