

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1065

4
5 By: Representative Prater
6
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For An Act To Be Entitled

8
9 "AN ACT TO GRANT LOCAL GOVERNMENTS, BOARD MEMBERS AND
10 EMPLOYEES IMMUNITY FROM LIABILITY AND LAWSUITS, TO
11 PROVIDE LOCAL GOVERNMENTS AND EMPLOYEES DAMAGES AND
12 ATTORNEYS' FEES FOR FRIVOLOUS LAWSUITS; AND FOR OTHER
13 PURPOSES. "

Subtitle

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16 "TO GRANT LOCAL GOVERNMENTS, BOARD
17 MEMBERS AND EMPLOYEES IMMUNITY FROM
18 LAWSUITS AND PROVIDE THEM WITH REMEDIES
19 FOR FRIVOLOUS LAWSUITS. "

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Legislative determination.

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25 The General Assembly has determined that governmental entities,
26 governing bodies, their members and employees serve important functions in
27 providing services and assistance to citizens of this state and that, in order
28 for these governmental entities and governing bodies to function effectively,
29 persons serving on their governing bodies and as employees should not be
30 subject to harassment by frivolous and groundless lawsuits; further, that the
31 potential exposure to liability has a detrimental effect on the participation
32 of persons as members of governing bodies for governmental entities; and that
33 providing immunity to liability and from suit to governmental entities,
34 governing bodies, their members and employees will be in the best interest of
35 the State of Arkansas.
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1 SECTION 2. Entities granted immunity.

2 (a) All governmental entities and their governing bodies shall be
 3 immune from liability and from suit for any claims, causes of action or
 4 damages resulting from any acts, omissions, services, functions, or assistance
 5 provided to citizens of this state.

6 (b) As used in this Act, "governmental entities" means all counties,
 7 municipalities, school districts, special improvement districts, and all other
 8 political subdivisions of the State of Arkansas and any of their boards,
 9 commissions, agencies, authorities, or other governing bodies, including
 10 especially, any school boards and any regional, county, and municipal library
 11 boards.

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 13 SECTION 3. Persons granted immunity.

14 (a) Except as otherwise provided by this Act, every member of any
 15 board, commission, agency, authority, or other governing body of any
 16 governmental entity shall be immune from liability and from suit for any
 17 claims, causes of action or damages resulting from any acts, omissions,
 18 services, functions, or assistance provided to citizens within the scope of
 19 their authority under the laws of this state.

20 (b) Except as otherwise provided by this Act, all officers, employees,
 21 and agents of any governmental entity shall be immune from liability and from
 22 suit for any claims, causes of action or damages resulting from any acts,
 23 omissions, services, functions, or assistance provided to citizens or
 24 occurring within the course and scope of their employment or authority.

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 26 SECTION 4. Exceptions to immunity grant.

27 (a) The immunity provided by this Act shall not extend to acts or
 28 omissions of any governmental entities, governing bodies, their members and
 29 employees which would constitute gross negligence or to intentional torts
 30 committed against another entity or an individual.

31 (b) Nothing in this section shall be deemed to grant immunity to any
 32 person causing damage by his malicious, willful, wanton, or grossly negligent
 33 act.

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 35 SECTION 5. Damages for Frivolous or Groundless Claims.

36 (a) Whenever it appears to the court that a plaintiff's claims in

1 proceedings before the court were instituted or maintained against defendants
 2 which are governmental entities, governing bodies, their members and employees
 3 and the claims are frivolous or groundless, then damages in an amount not in
 4 excess of ten thousand dollars (\$10,000) and attorneys' fees shall be awarded
 5 to the governmental entities, governing bodies, their members and employees by
 6 the court in the court's decision. Damages so awarded shall be assessed at the
 7 same time as the final decision and shall be paid upon notice and demand from
 8 the governmental entities, governing bodies, their members and employees or
 9 their attorneys.

10 (b) Cases dismissed by a court as lacking any grounds to proceed
 11 because of the immunity provided to entities and employees under this Act
 12 shall be presumed to be frivolous and without grounds.

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 14 SECTION 6. All provisions of this Act of a general and permanent nature
 15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 16 Revision Commission shall incorporate the same in the Code.

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 18 SECTION 7. If any provision of this Act or the application thereof to
 19 any person or circumstance is held invalid, such invalidity shall not affect
 20 other provisions or applications of the Act which can be given effect without
 21 the invalid provision or application, and to this end the provisions of this
 22 Act are declared to be severable.

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 24 SECTION 8. All laws and parts of laws in conflict with this Act are
 25 hereby repealed.

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