

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 2176

4
5 By: Representatives Dees, Agee, Allison, Ammons, Angel, Bevis, Booker, Broadway, Bush, Cleveland,
6 Courtway, Davis, Duggar, Elliott, Faris, Ferguson, Ferrell, Gillespie, Green, Gullett, Hausam, Horn, Hunt,
7 Jacobs, J. Jeffress, G. Jeffress, C. Johnson, Jones, King, Lancaster, Lavery, Luker, Lynn, Madison,
8 Magnus, Milligan, Milum, Morris, Napper, Oglesby, Rodgers, Salmon, Scrimshire, Sheppard, Shoffner,
9 Simmons, Simon, M. Smith, R. Smith, T. Smith, M. Steele, Taylor, L. Thomas, T. Thomas, White, Wilkins,
10 Willis, Womack

For An Act To Be Entitled

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14 "AN ACT TO AMEND ARKANSAS CODE 16-90-702 AND 16-90-716
15 TO PROVIDE ADDITIONAL REPARATIONS TO VICTIMS WHOSE
16 INJURIES ARE CATASTROPHIC AND RESULT IN A TOTAL AND
17 PERMANENT DISABILITY; AND FOR OTHER PURPOSES. "

Subtitle

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20 "AN ACT TO AMEND ARKANSAS CODE 16-90-702
21 AND 16-90-716 TO PROVIDE ADDITIONAL
22 REPARATIONS TO VICTIMS WHOSE INJURIES
23 ARE CATASTROPHIC AND RESULT IN A TOTAL
24 AND PERMANENT DISABILITY. "

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

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29 SECTION 1. Arkansas Code 16-90-702 is amended to read as follows:
30 "16-90-702. Legislative intent.

31 It is the intent of the General Assembly to provide a method of
32 compensating and assisting those persons within the state who are victims of
33 criminal acts and who suffer personal injury or death. To this end, it is the
34 further intent of the General Assembly to provide reparations, in the amount
35 of expenses actually incurred as a direct result of the criminal acts of other
36 persons, up to a maximum reparations amount of ten thousand dollars (\$10,000).

1 However, for those victims whose injuries are catastrophic and result in a
 2 total and permanent disability, the maximum reparations amount shall not
 3 exceed twenty-five thousand dollars (\$25,000)."

4
 5 SECTION 2. Arkansas Code 16-90-716 is amended to read as follows:

6 "16-90-716. Limitation on reparations - Manner of payment.

7 (a) Reparations payable to a victim and to all other claimants
 8 sustaining economic loss because of injury to or death of that victim may not
 9 exceed ten thousand dollars (\$10,000) ~~in the aggregate.~~ However, for those
 10 victims whose injuries are catastrophic and result in a total and permanent
 11 disability, the maximum reparations amount shall not exceed twenty-five
 12 thousand dollars (\$25,000)

13 (b) The board may provide for the payment to a claimant in a lump sum
 14 or in installments. At the request of the claimant, the board may convert
 15 future economic loss, other than allowable expense, to a lump sum, but only
 16 upon a finding by the board of either of the following:

17 (1) That the award in a lump sum will promote the interests of
 18 the claimant; or

19 (2) That the present value of all future economic loss, other
 20 than allowable expense, does not exceed one thousand dollars (\$1,000).

21 (c) If the board determines that the claimant will suffer financial
 22 hardship unless an advance award is made, an amount may be paid to the
 23 claimant and shall be deducted from the final award, or shall be repaid and
 24 recoverable from the claimant to the extent that it exceeds the final award.

25 (d) An award payable in installments for future economic loss may be
 26 made only for a period as to which the board can reasonably determine future
 27 economic loss. An award payable in installments for future economic loss may
 28 be modified by the board upon its findings that a material and substantial
 29 change of circumstances has occurred.

30 (e) An award shall not be subject to execution, attachment,
 31 garnishment, or other process, except that an award for allowable expense
 32 shall not be exempt from a claim of a creditor to the extent that the creditor
 33 has provided products, services, or accommodations, the costs of which are
 34 included in the award.

35 (f) An assignment by the claimant to any future award under the
 36 provisions of this subchapter is unenforceable, except:

1 (1) An assignment of any award for work loss to assure payment of
2 court-ordered alimony, maintenance, or child support; or

3 (2) An assignment of any award for allowable expense to the
4 extent that the benefits are for the cost of products, services, or
5 accommodations necessitated by the injury or death on which the claim is based
6 and are provided or are to be provided by the assignee.”
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8 SECTION 3. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.
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12 SECTION 4. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.
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18 SECTION 5. All laws and parts of laws in conflict with this act are
19 hereby repealed.
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