

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  
4

*As Engrossed: S2/1/99*  
**A Bill**

SENATE BILL 217

5 By: Senator B. Lewellen  
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8 **For An Act To Be Entitled**

9 "AN ACT TO PROTECT FIREFIGHTERS AND LAW ENFORCEMENT  
10 OFFICERS BY ABOLISHING THE COMMON-LAW RULE THAT THEY  
11 OCCUPY THE STATUS OF A LICENSEE; AND FOR OTHER  
12 PURPOSES. "  
13

14 **Subtitle**

15 "AN ACT TO PROTECT FIREFIGHTERS AND LAW  
16 ENFORCEMENT OFFICERS BY ABOLISHING THE  
17 COMMON-LAW RULE THAT THEY OCCUPY THE  
18 STATUS OF A LICENSEE. "  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. (a) A firefighter or properly identified law enforcement  
24 officer who lawfully enters upon the premises of another in the discharge of  
25 his or her duty occupies the status of an invitee. The common-law rule that  
26 such a firefighter or law enforcement officer occupies the status of a  
27 licensee is abolished.

28 (b) It is not the intent of this section to increase or diminish the  
29 duty of care owed by property owners to invitees. Property owners shall be  
30 liable to invitees pursuant to this section only when the property owner  
31 negligently fails to maintain the premises in a reasonably safe condition or  
32 negligently fails to correct a dangerous condition of which the property owner  
33 either knew or should have known by the use of reasonable care or negligently  
34 fails to warn the invitee of a dangerous condition about which the property  
35 owner had, or should have had, knowledge greater than that of the invitee.  
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1 SECTION 2. All provisions of this act of a general and permanent nature  
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
3 Revision Commission shall incorporate the same in the Code.

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

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

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14 SECTION 5. *Emergency. It is found and determined by the General*  
15 *Assembly of the State of Arkansas that firefighters and law enforcement*  
16 *officers in the performance of their duties encounter hazards on the property*  
17 *of others; and that this act is immediately necessary to protect them from*  
18 *dangerous conditions on the property of others. Therefore, an emergency is*  
19 *declared to exist and this act being immediately necessary for the*  
20 *preservation of the public peace, health and safety shall become effective on*  
21 *the date of its approval by the Governor. If the bill is neither approved nor*  
22 *vetoed by the Governor, it shall become effective on the expiration of the*  
23 *period of time during which the Governor may veto the bill. If the bill is*  
24 *vetoed by the Governor and the veto is overridden, it shall become effective*  
25 *on the date the last house overrides the veto.*

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27 /s/ B. Lewellen  
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