

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

SENATE BILL 60

By: Senators Dowd, Beebe

For An Act To Be Entitled

"AN ACT TO REPEAL ARKANSAS CODE ANNOTATED §§ 16-56-201
THROUGH 16-56-210 THE 'UNI FORM CONFLICT OF LAWS
LIMITATIONS ACT' . "

Subtitle

"TO REPEAL ARKANSAS CODE ANNOTATED §§ 16-
56-201 THROUGH 16-56-210 THE 'UNI FORM
CONFLICT OF LAWS LIMITATIONS ACT' . "

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

SECTION 1. Arkansas Code Annotated §§ 16-56-201 through 16-56-210 are
hereby repealed.

~~16-56-201. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Claim" means a right of action that may be asserted in a civil
action or proceeding and shall include a right of action created by statute;~~

~~(2) "State" means a state, commonwealth, territory, or possession of
the United States, the District of Columbia, the Commonwealth of Puerto Rico,
a foreign country, or a political subdivision of any of the above.~~

~~16-56-202. Conflict of laws - Limitation periods.~~

~~(a) Except as provided by § 16-56-204, if a claim is substantially
based:~~

~~(1) Upon the law of one (1) other state, the limitation period of
that state shall apply; or~~

~~(2) Upon the law of more than one (1) state, the limitation
period of one (1) of those states, chosen by the law of conflict of laws of~~

~~this state, shall apply.~~

~~(b) The limitation period of this state shall apply to all other claims.~~

~~16-56-203. Rules applicable to computation of limitation period.~~

~~If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual shall apply in computing the limitation period, but the other state's statutes and other rules of law governing conflict of laws shall not apply.~~

~~16-56-204. Unfairness.~~

~~If a court of competent jurisdiction determines that the limitation period of another state, applicable under §§ 16-56-202 and 16-56-203, is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon, or imposes an unfair burden in defending against the claim, the limitation period of this state shall apply.~~

~~16-56-205. Existing and future claims.~~

~~This subchapter shall apply to claims:~~

~~(1) Accruing after the effective date of this subchapter; or~~

~~(2) Asserted in a civil action or proceeding more than one (1) year after the effective date of this subchapter, but shall not revive a claim barred before the effective date of this subchapter.~~

~~16-56-206. Uniformity of application and construction.~~

~~This subchapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this subchapter among states enacting it.~~

~~16-56-207. Short title.~~

~~This subchapter may be cited as the "Uniform Conflict of Laws Limitations Act."~~

~~16-56-208. Severability.~~

~~If any provision of this subchapter, or the application thereof, to any~~

1 ~~person or circumstance is held invalid, such invalidity shall not affect other~~
2 ~~provisions or applications of the subchapter which can be given effect without~~
3 ~~the invalid provision or application, and to this end the provisions of this~~
4 ~~subchapter are declared to be severable.~~

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6 ~~16-56-209. [Reserved.]~~

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8 ~~16-56-210. Time of taking effect.~~

9 ~~This subchapter shall take effect on July 1, 1985.~~
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