

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

A Bill

SENATE BILL 946

4
5 By: Senator Webb
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 16-62-102(a)
10 REGARDING WRONGFUL DEATH ACTIONS; AND FOR OTHER
11 PURPOSES. "

Subtitle

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14 "TO AMEND ARKANSAS CODE § 16-62-102(a)
15 REGARDING WRONGFUL DEATH ACTIONS. "

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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 16-62-102 is amended to read as follows:

21 "16-62-102. Wrongful death actions - Survival.

22 (a)(1) Whenever the death of a person shall be caused by a wrongful
23 act, neglect, or default and the act, neglect, or default is such as would
24 have entitled the party injured to maintain an action and recover damages in
25 respect thereof, if death had not ensued, then, and in every such case, the
26 person who, or company, or corporation which would have been liable if death
27 had not ensued shall be liable to an action for damages, notwithstanding the
28 death of the person injured, and although the death may have been caused under
29 such circumstances as amount in law to a felony. The word "person" as used in
30 this subsection includes an unborn child in utero without regard to the stage
31 of gestation.

32 (2) The cause of action created in this subsection shall survive
33 the death of the person wrongfully causing the death of another and may be
34 brought, maintained, or revived against the personal representatives of the
35 person wrongfully causing the death of another. "
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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
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