

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas As Engrossed: H2/25/05 H3/9/05 H3/29/05 H4/4/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 447

4

5 By: Senator T. Smith

6 By: Representatives Mathis, Saunders

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For An Act To Be Entitled

10 AN ACT TO EXTEND IMMUNITY TO PROPERTY OWNERS WHO
11 MAKE PROPERTY AVAILABLE FOR MUNICIPAL WATER
12 SUPPLY PURPOSES; AND FOR OTHER PURPOSES.

13

14

Subtitle

15 AN ACT TO EXTEND IMMUNITY TO PROPERTY
16 OWNERS WHO MAKE PROPERTY AVAILABLE FOR
17 MUNICIPAL WATER SUPPLY PURPOSES.

18

19

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

21

22 *SECTION 1. Arkansas Code Title 18, Chapter 11 is amended to add an*
23 *additional subchapter to read as follows:*

24 *18-11-601. Purpose.*

25 *The purpose of this subchapter is to encourage owners of land to make*
26 *land and water areas available to municipal governments for municipal water*
27 *supply purposes by limiting the liability of landowners toward persons*
28 *entering on the land and water areas.*

29

30 *18-11-602. Definitions.*

31 *As used in this subchapter:*

32 *(1) "Land" means real property, roads, water, watercourses,*
33 *private ways, and buildings, structures, and machinery or equipment when*
34 *attached to the real property;*

35 *(2) "Municipal water supply purpose" includes, but is not*
36 *limited to, any of the following, separately or in any combination:*



1 (A) Construction or maintenance of a water intake
2 structure;

3 (B) Maintenance of a water intake source;

4 (C) Research concerning a water intake source or
5 structure; and

6 (D) Other activity associated with a water intake source
7 or structure; and

8 (3) "Owner" means the possessor of a fee interest or a tenant,
9 lessee, occupant, or person in control of the land.

10
11 18-11-603. Construction.

12 Nothing in this subchapter shall be construed to:

13 (1) Create a duty of care or a basis for liability for injury to
14 persons or property; or

15 (2) Relieve any person using the land of another for municipal
16 water supply purposes from any obligation that he or she may have in the
17 absence of this subchapter to exercise care in his or her use of the land and
18 in his or her activities on the land or relieve any person from the legal
19 consequences of failure to employ such care.

20
21 18-11-604. Duty of care.

22 Except as specifically provided in § 18-11-607, an owner owes no duty
23 of care to keep the land safe for entry or use by others for municipal water
24 supply purposes or to give any warning of a dangerous condition, use,
25 structure, or activity on the land to persons entering for municipal water
26 supply purposes.

27
28 18-11-605. Owner's immunity from liability.

29 Except as specifically provided in § 18-11-607, an owner who, either
30 directly or indirectly, invites or permits any person to use his or her land
31 for municipal water supply purposes does not:

32 (1) Extend any assurance that the land is safe for any purpose;

33 (2) Confer upon the person the legal status of an invitee or
34 licensee to whom a duty of care is owed;

35 (3) Assume responsibility for or incur liability for any injury
36 to person or property caused by an act or omission of the person; or

