

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  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2279

4  
5 By: Representative Maxwell  
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## For An Act To Be Entitled

8  
9 AN ACT TO ESTABLISH A STATUTE OF REPOSE FOR  
10 PRODUCT LIABILITY ACTIONS; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO ESTABLISH A STATUTE OF REPOSE  
15 FOR PRODUCT LIABILITY 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 § 16-116-103 is amended to read as follows:  
21 16-116-103. Limitation on actions.

22 (a) All product liability actions not barred by subsection (b) of this  
23 section shall be commenced within three (3) years after the date on which the  
24 death, injury, or damage complained of occurs.

25 (b)(1) Except as provided in this subsection, no product liability  
26 action shall be brought on a claim arising more than twelve (12) years after  
27 the product was first used for its intended purpose by a person not engaged  
28 in the business of manufacturing or supplying the product.

29 (2) The time limitation specified in subdivision (b)(1) of this  
30 section shall not apply to:

31 (A) A claim that arises from injury due to prolonged  
32 exposure to hazardous material;

33 (B) A claim in which the manufacturer or supplier  
34 intentionally misrepresented or fraudulently concealed a material fact  
35 concerning the product that is a proximate cause of the injury, death, or  
36 property damage;



1                   (C) A claim against a manufacturer or supplier under an  
2 express written warranty providing that the product will be free of defects  
3 in design, manufacture, or materials for a period of time greater than that  
4 set forth in subsection (b)(1) of this section, if the injury complained of  
5 occurred and the claim for relief arose during the period of the express  
6 written warranty; or

7                   (D) An indemnity action brought by a manufacturer or  
8 supplier of a product against a person who is or may be liable to the  
9 manufacturer or supplier for all or a portion of a judgment rendered against  
10 the manufacturer or supplier.

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