

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2618

By: Representative Walters

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE § 16-114-203
CONCERNING THE STATUTE OF LIMITATIONS FOR MEDICAL
INJURIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS CODE § 16-114-203
CONCERNING THE STATUTE OF LIMITATIONS
FOR MEDICAL INJURIES.

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

SECTION 1. Arkansas Code § 16-114-203 is amended to read as follows:
16-114-203. Statute of limitations.

(a) Except as otherwise provided in this section, all actions for
medical injury shall be commenced within two (2) years after the cause of
action accrues.

(b)(1)(A) The date of the accrual of the cause of action shall be the
date of the wrongful act complained of ~~and no other time~~ unless the medical
injury is not discovered and could not reasonably have been discovered on the
date of the wrongful act complained of.

(B) ~~However, where~~ When the action is based upon ~~the~~
~~discovery of a foreign object in the body of the injured person which a~~
medical injury that is not discovered and could not reasonably have been
discovered within ~~such~~ the two-year period, the action may be commenced
within one (1) year from the date of discovery of the medical injury or the
date the ~~foreign object~~ medical injury reasonably should have been
discovered, whichever is earlier.



1 (2) An action for medical injury that is not discovered and
2 could not reasonably have been discovered within the two-year period
3 described in subsection (a) of this section shall be commenced within five
4 (5) years of the date of the wrongful act complained of.

5 (c)(1) If an individual is nine (9) years of age or younger at the
6 time of the act, omission, or failure complained of, the minor or person
7 claiming on behalf of the minor shall have until the later of the minor's
8 eleventh birthday or two (2) years from the act, omission, or failure in
9 which to commence an action.

10 (2) However, if no medical injury is known and could not
11 reasonably have been discovered prior to the minor's eleventh birthday, then
12 the minor or ~~his~~ the minor's representative shall have until two (2) years
13 after the medical injury is known or reasonably could have been discovered,
14 or until the minor's nineteenth birthday, whichever is earlier, in which to
15 commence an action.