

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 2745

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5 By: Representatives Walters, Breedlove  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE DAMAGES TO A SURFACE OWNER FOR  
10 DAMAGE CAUSED BY LIVESTOCK THAT ESCAPES AS A  
11 RESULT OF AN OPERATOR'S FAILURE TO USE REASONABLE  
12 CARE ON A SURFACE OWNER'S REAL PROPERTY; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

15 TO PROVIDE DAMAGES TO A SURFACE OWNER  
16 FOR DAMAGE CAUSED BY LIVESTOCK THAT  
17 ESCAPES AS A RESULT OF AN OPERATOR'S  
18 FAILURE TO USE REASONABLE CARE ON A  
19 SURFACE OWNER'S REAL PROPERTY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 15, Chapter 72, Subchapter 2 is amended  
26 to add an additional section to read as follows:

27 15-72-219. Damage from escaped livestock.

28 (a) If an operator's or his or her agent's failure to use reasonable  
29 care whenever he or she is on a surface owner's real property results in the  
30 escape of livestock that is being kept on the surface owner's real property,  
31 the operator or his or her agent shall be liable to the surface owner for:

32 (1) Twice the amount of the damage to the surface owner's  
33 livestock and his or her property and any costs that the surface owner incurs  
34 to recover the escaped livestock or one thousand dollars (\$1,000), whichever  
35 is greater; and

36 (2) A reasonable attorney's fee.



1           (b) An operator shall indemnify the surface owner for any damages and  
2 attorney's fees awarded against the surface owner by a court whenever an  
3 operator's or his or her agent's failure to use reasonable care results in  
4 the escape of livestock that is being kept on the surface owner's real  
5 property and the escaped livestock injures the property or the person of  
6 someone other than the surface owner.

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