

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
4

As Engrossed: S3/7/07
A Bill

SENATE BILL 905

5 By: Senator R. Thompson
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8 **For An Act To Be Entitled**

9 *AN ACT TO AMEND ARKANSAS CODE § 16-116-102 TO*
10 *CLARIFY THE SCOPE OF ARKANSAS' PRODUCT LIABILITY*
11 *LAW; AND FOR OTHER PURPOSES.*

12
13 **Subtitle**

14 *TO CLARIFY THE SCOPE OF ARKANSAS'*
15 *PRODUCT LIABILITY LAW.*
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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 Title 16, Chapter 116, Subchapter 1 is*
21 *amended to read as follows:*

22 *16-116-102. Definitions.*

23 *As used in this subchapter:*

24 *(1) "Anticipated life" means the period over which the product*
25 *may reasonably be expected to be useful to the user as determined by the*
26 *trier of facts;*

27 *(2) "Defective condition" means a condition of a product that renders*
28 *it unsafe for reasonably foreseeable use and consumption;*

29 *(3) "Manufacturer" means the designer, fabricator, producer,*
30 *compounder, processor, or assembler of any product or its component parts;*

31 *(4) "Product" means any tangible object or goods produced, excluding*
32 *real estate and improvements located thereon, provided, any tangible object*
33 *or good produced that is affixed to, installed on or incorporated into real*
34 *estate or any improvement thereon shall constitute a product under this act;*
35 *and provided further, an improvement on real estate shall constitute a*
36 *product in the event that environmental contaminants exist or have occurred*



1 in the improvement;

2 (5) "Product liability action" includes all actions brought for or on
3 account of personal injury, death, or property damage caused by, or resulting
4 from, the manufacture, construction, design, formula, preparation, assembly,
5 testing, service, warning, instruction, marketing, packaging, or labeling of
6 any product;

7 (6)(A) "Supplier" means any individual or entity engaged in the
8 business of selling a product, whether the sale is for resale, or for use or
9 consumption.

10 (B) "Supplier" includes a retailer, wholesaler, or distributor
11 and also includes a lessor or bailor engaged in the business of leasing or
12 bailment of a product; ~~and.~~

13 (C) "Supplier" shall not include any licensee, as the term is
14 defined in § 17-42-103(10), who is only providing brokerage and sales
15 services under a license; and

16 (7)(A) "Unreasonably dangerous" means that a product is dangerous to
17 an extent beyond that which would be contemplated by the ordinary and
18 reasonable buyer, consumer, or user who acquires or uses the product,
19 assuming the ordinary knowledge of the community or of similar buyers, users,
20 or consumers as to its characteristics, propensities, risks, dangers, and
21 proper and improper uses, as well as any special knowledge, training, or
22 experience possessed by the particular buyer, user, or consumer or which he
23 or she was required to possess.

24 (B) However, as to a minor, "unreasonably dangerous" means that
25 a product is dangerous to an extent beyond that which would be contemplated
26 by an ordinary and reasonably careful minor considering his or her age and
27 intelligence.

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29 /s/ R. Thompson
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