

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/8/11

A Bill

HOUSE BILL 1611

5 By: Representative Pierce
6

For An Act To Be Entitled

8 AN ACT TO PROTECT AN OWNER, LESSEE, OR OCCUPANT OF
9 LAND FROM LIABILITY TO A TRESPASSER; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO PROTECT AN OWNER, LESSEE, OR OCCUPANT
15 OF LAND FROM LIABILITY TO A TRESPASSER.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 18-60-108 is amended to read as follows:

21 18-60-108. Liability of landowner for injury to trespasser.

22 (a)~~(1)~~ An owner, lessee, or occupant of land does not owe a duty of
23 care to a trespasser on the land and is not liable for any injury to a
24 trespasser on the land.

25 ~~(2) No cause of action shall arise against the owner, lessee, or~~
26 ~~occupant of land until the presence of the trespasser on the premises is~~
27 ~~known, and then the owner, lessee, or occupant of the land shall be liable~~
28 ~~only for injuries caused by the willful or wanton misconduct of the owner,~~
29 ~~lessee, or occupant.~~

30 (b) *This section does not affect the doctrine of attractive nuisance,*
31 *except that the doctrine may not be the basis for liability of an owner,*
32 *lessee, or occupant of agricultural land for any injury to a trespasser over*
33 *~~the age of eighteen (18)~~ sixteen (16) years of age.*

34 (c) As used in this section, "trespasser" means a person who enters on
35 the property of another without permission and without an invitation, express
36 or implied.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Pierce