

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

As Engrossed: H3/8/11 H3/15/11

A Bill

HOUSE BILL 1611

5 By: Representative Pierce
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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.
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Subtitle

13 TO PROTECT AN OWNER, LESSEE, OR OCCUPANT
14 OF LAND FROM LIABILITY TO A TRESPASSER.
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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 § 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.



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/s/Pierce