

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

A Bill

SENATE BILL 333

5 By: Senators J. Dismang, Burnett, Files, S. Flowers, S. Harrelson, Holland, J. Hutchinson, J. Key, Luker,
6 R. Thompson
7 By: Representatives Carter, Clemmer, J. Edwards, English, Jean, Sanders, Shepherd, Vines, Woods,
8 Wright
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For An Act To Be Entitled

11 AN ACT REGARDING THE AMOUNT IN CONTROVERSY IN A CIVIL
12 ACTION; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

17 REGARDING THE AMOUNT IN CONTROVERSY IN A
18 CIVIL ACTION AND TO DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 16, Chapter 63, Subchapter 2 is amended
24 to add a new section to read as follows:

25 16-63-221. Complaint – Amount in controversy.

26 (a) A plaintiff who files a complaint in a circuit or district court
27 praying for an award of damages is required to state an amount in controversy
28 to establish subject-matter jurisdiction and determine if the amount sought
29 is within the jurisdictional limits of the court.

30 (b) The declaration required in subdivision (a)(1) of this section is
31 binding on the plaintiff unless the plaintiff subsequently amends the
32 complaint to pray for damages in an amount that exceeds the jurisdictional
33 limits of the court, at which time the amendment is governed by the Arkansas
34 Rules of Civil Procedure.
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36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the



1 General Assembly of the State of Arkansas that the rules regarding the
2 pleading of civil matters are inadequate; that a plaintiff should be required
3 to plead with particularity and to be bound by the amount in controversy; and
4 that this act is immediately necessary because the rules regarding pleading
5 civil complaints should be implemented without undue delay due to current
6 strain on judicial dockets. Therefore, an emergency is declared to exist,
7 and this act being immediately necessary for the preservation of the public
8 peace, health, and safety shall become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
11 the expiration of the period of time during which the Governor may veto the
12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
14 overridden, the date the last house overrides the veto.

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