

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/25/13

A Bill

HOUSE BILL 1839

5 By: Representative Baine
6

For An Act To Be Entitled

8 AN ACT TO CREATE STATUTORY CHARITABLE IMMUNITY FOR
9 CHURCHES OR OTHER PLACES OF WORSHIP UNDER CERTAIN
10 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO CREATE STATUTORY CHARITABLE IMMUNITY
15 FOR CHURCHES OR OTHER PLACES OF WORSHIP
16 UNDER CERTAIN CIRCUMSTANCES.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code Title 16, Chapter 120, is amended to add a*
22 *new subchapter to read as follows:*
23

24 *Subchapter 5 – Charitable Immunity for a Church or Other Place of Worship*
25

26 *16-120-501. Definitions.*

27 *As used in this section, "church or other place of worship" means a*
28 *physical location where persons congregate to practice a religion.*
29

30 *16-120-502. Charitable immunity for a church or other place of*
31 *worship.*

32 *(a) If a court determines an entity is a church or other place of*
33 *worship, the entity is entitled to charitable immunity under this subchapter.*

34 *(b) Charitable immunity under this subchapter provides a church or*
35 *other place of worship with tort immunity under §§ 16-120-503 and 16-120-504.*
36



1 16-120-503. Church or other place of worship not vicariously liable.
 2 A church or other place of worship or its agent is not vicariously
 3 liable for the negligence of another person by a person on the property of
 4 the church or other place of worship.

5
 6 16-120-504. Nonliability for damages – Exceptions.
 7 A church or other place of worship is not liable for damages for
 8 personal injury, death, or property damage sustained by a person by a person
 9 on the property of the church or other place of worship except as follows:

10 (1) If the church or other place of worship is covered by a
 11 policy of insurance, in which case liability for ordinary negligence is
 12 limited to the amount of insurance coverage provided by the policy of
 13 insurance; or

14 (2) If the church or other place of worship or its agent acts in
 15 bad faith or acts grossly negligent, recklessly, or intentionally.

16
 17 16-120-505. Subchapter supplemental.
 18 This subchapter is supplemental to and does not affect any tort
 19 immunity or charitable immunity a church or other place of worship may
 20 otherwise have under the law.

21
 22 /s/Baine