

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/26/19

A Bill

SENATE BILL 558

5 By: Senator G. Stubblefield
6 By: Representative Gazaway
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For An Act To Be Entitled

9 AN ACT TO RESTORE A PERSON'S RIGHT TO A JURY TRIAL;
10 TO REPEAL ARKANSAS CODE § 16-30-104 CONCERNING THE
11 CONTRACTUAL WAIVER OF A JURY TRIAL; TO MAKE THE
12 REPEAL OF ARKANSAS CODE § 16-30-104 RETROACTIVE; TO
13 RESTORE RULE 39 OF THE ARKANSAS RULES OF CIVIL
14 PROCEDURE; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.
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Subtitle

19 TO REPEAL ARKANSAS CODE § 16-30-104
20 CONCERNING THE CONTRACTUAL WAIVER OF A
21 JURY TRIAL; TO MAKE THE REPEAL OF
22 ARKANSAS CODE § 16-30-104 RETROACTIVE;
23 AND TO DECLARE AN EMERGENCY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. DO NOT CODIFY. Legislative findings.

29 (a) The General Assembly finds that the present law regarding the
30 waiver of a jury trial when a provision waiving a jury trial in a contract to
31 borrow money or lend money creates a situation in which Arkansans are
32 unknowingly and unwillingly waiving their rights to a jury trial.

33 (b) These waivers are generally nonnegotiable, and leave Arkansans
34 without their constitutional rights to a jury trial.
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36 SECTION 2. Arkansas Code § 16-30-104 is repealed.



1 ~~16-30-104. Contractual waiver of jury trial.~~

2 ~~A written provision in a contract to borrow money or to lend money in~~
3 ~~which the parties agree to waive their respective rights to a trial by jury~~
4 ~~under Arkansas Constitution, Article 2, § 7, is valid and enforceable except~~
5 ~~upon those grounds that exist at law or in equity for the revocation of any~~
6 ~~contract.~~

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8 SECTION 3. DO NOT CODIFY. Retroactivity clause.

9 This act is retroactive to March 18, 2018.

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11 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that a person's right to a trial by
13 jury is one of the bedrock principles of our democracy. This right needs to
14 be restored immediately. Therefore, an emergency is declared to exist, and
15 this act being immediately necessary for the preservation of the public
16 peace, health, and safety shall become effective on:

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

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

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

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25 */s/G. Stubblefield*
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