

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1118 of the Regular Session

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/21/13 S4/4/13  
**A Bill**

HOUSE BILL 2145

By: Representative Hammer  
By: Senator J. Hutchinson

**For An Act To Be Entitled**

AN ACT TO PROVIDE EXPANDED CHARITABLE IMMUNITY FOR CHURCHES OR OTHER PLACES OF WORSHIP THAT ALSO ARE POLLING SITES ON THOSE DAYS WHEN THE CHURCH OR OTHER PLACE OF WORSHIP IS USED AS A POLLING SITE; AND FOR OTHER PURPOSES.

**Subtitle**

TO PROVIDE EXPANDED CHARITABLE IMMUNITY FOR CHURCHES OR OTHER PLACES OF WORSHIP THAT ALSO ARE POLLING SITES ON THOSE DAYS WHEN THE CHURCH OR OTHER PLACE OF WORSHIP IS USED AS A POLLING SITE.

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

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

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

*16-120-501. Definitions.*

*As used in this section:*

*(1) "Church or other place of worship" means a physical location where persons congregate to practice a religion; and*

*(2) "Polling site" means the same as defined in § 7-1-101.*



16-120-502. Charitable immunity for a church or other place of worship that is used as a polling site.

A church or other place of worship is entitled to tort immunity as provided in §§ 16-120-503 and 16-120-504 during the time the church or other place of worship is used as a polling site.

16-120-503. Church or other place of worship not vicariously liable.

A church or other place of worship or its agent is not vicariously liable for the negligence of another person on the property of the church or other place of worship during the time the church or other place of worship is used as a polling site.

16-120-504. Nonliability for damages – Exceptions.

A church or other place of worship is not liable for damages for personal injury, death, or property damage sustained by a person on the property of the church or other place of worship during the time the church or other place of worship is used as a polling site except as follows:

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

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

16-120-505. Subchapter supplemental.

This subchapter is supplemental to and does not affect any tort immunity or charitable immunity a church or other place of worship may otherwise have under the law.

/s/Hammer

**APPROVED: 04/11/2013**