

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/25/13  
**A Bill**

HOUSE BILL 1839

By: Representative Baine

### **For An Act To Be Entitled**

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

### **Subtitle**

TO CREATE STATUTORY CHARITABLE IMMUNITY  
FOR CHURCHES OR OTHER PLACES OF WORSHIP  
UNDER CERTAIN CIRCUMSTANCES.

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*

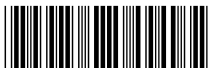
*16-120-501. Definitions.*

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

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

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

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



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 by a person on the property of the church or other place of worship.

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 by a person on the property of the church or other place of worship 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/Baine