

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/26/19
A Bill

SENATE BILL 558

By: Senator G. Stubblefield
By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO REPEAL ARKANSAS CODE § 16-30-104
CONCERNING THE CONTRACTUAL WAIVER OF A
JURY TRIAL; TO MAKE THE REPEAL OF
ARKANSAS CODE § 16-30-104 RETROACTIVE;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

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

(b) These waivers are generally nonnegotiable, and leave Arkansans without their constitutional rights to a jury trial.

SECTION 2. Arkansas Code § 16-30-104 is repealed.



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

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

SECTION 3. DO NOT CODIFY. Retroactivity clause.

This act is retroactive to March 18, 2018.

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

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

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

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

/s/G. Stubblefield