

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas

93rd General Assembly

Regular Session, 2021

HJR 1014

By: Representatives L. Johnson, Dotson, Barker, Beaty Jr., Beck, Bentley, Brooks, Cavanaugh, Cloud, Coleman, Deffenbaugh, Eubanks, Evans, Gonzales, Hawks, Hollowell, Lynch, McCollum, McGrew, Payton, Pilkington, Ray, Rye, Speaks, Underwood

By: Senators Irvin, B. Ballinger, Beckham, Bledsoe, B. Davis, J. Dismang, L. Eads, J. English, Flippo, T. Garner, Gilmore, Hester, Hill, B. Johnson, D. Wallace

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PERMIT
LIMITS ON AWARDS OF PUNITIVE DAMAGES AND NONECONOMIC
DAMAGES IN CIVIL ACTIONS.

Subtitle

A CONSTITUTIONAL AMENDMENT PERMITTING
LIMITS ON AWARDS OF PUNITIVE AND
NONECONOMIC DAMAGES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 5, § 32, is amended to read as follows:

§ 32. Workmen's Compensation Laws – Actions for personal injuries.



(a) The General Assembly shall have power to enact laws prescribing the amount of compensation to be paid by employers for injuries to or death of employees, and to whom said payment shall be made. It shall have power to provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same.

(b)(1) The General Assembly may enact laws limiting the amount of punitive damages and noneconomic damages that may be awarded for each claimant in actions for injuries resulting in death or for injuries to persons or property, including without limitation medical injuries.

(2) As used in this section, "noneconomic damages" means damages that cannot be measured in money, including without limitation any loss or damage, however characterized, for one (1) or more of the following:

(A) Pain, suffering, and mental anguish;

(B) Scars, disfigurement, and visible results of an injury;

(C) Loss of consortium; and

(D) Loss of life.

(c) ~~Provided, that otherwise~~ Except as provided in subsections (a) and (b) of this section, no law shall be enacted limiting the amount to be recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

SECTION 2. SEVERABILITY. The provisions of this amendment are severable, and if any should be held invalid, the remainder shall stand.

SECTION 3. EFFECTIVE DATE. This amendment to the Arkansas Constitution shall be effective on and after January 1, 2023.

SECTION 4. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The popular name for this proposed amendment shall be "An Amendment to the Arkansas Constitution Concerning Limits on Awards of Punitive Damages and Noneconomic Damages in Civil Actions"; and

(2) The ballot title for this proposed amendment shall be "An Amendment to the Arkansas Constitution Providing that the General Assembly May Enact Laws Limiting the Amount of Punitive Damages and Noneconomic Damages that May Be Awarded in Actions for Injuries Resulting in Death or for Injuries to Persons or Property".