

CHAPTER 9

LIABILITY OF STATE AND LOCAL GOVERNMENTS

SUBCHAPTER 3 – LIABILITY OF POLITICAL SUBDIVISIONS

SECTION.

21-9-301. Tort Liability – Immunity declared

21-9-302. Tort Liability – Settlement of claims

21-9-303. Motor vehicle liability insurance required – Minimum amounts

21-9-301. Tort Liability – Immunity declared.

It is declared to be the public policy of the State of Arkansas that all counties, municipal corporations, school district, special improvement districts, and all other political subdivisions of the state shall be immune from liability and from suit for damages, except to the extent that they may be covered by liability insurance. No tort action shall lie against any such political subdivision because of the acts of its agents and employees.

History. Acts 1969. No. 165. § 1:A.S.A. 1947. § 12-2901; Acts 1991. No. 542. § 7; 1993. No. 292. § 2.

Publisher’s Notes. Acts 1993. No. 292. § 3 provided; “This act shall have a retroactive application to the effective date of Act 542 of 1991 to avoid the misinterpretation of the intent of Act 542 as permitting suits directly against liability insurers of state and local government officials and employees. This act is intended to have retroactive effect so as to apply to any suits pending as of the effect date of this act.

Amendments. The 1991 amendment inserted “and suit” following “liability” in the first sentence.

The 1993 amendment, in the first sentence, inserted “from” preceding “suit for damages” and added the language beginning “except to the extent” at the end; and, in the second sentence, substituted “its agents” for “their agents”.

RESEARCH REFERENCES

Ark. L. Rev. Case Notes. Bly v. Young, Beaulieu v. Gray, and Carter v. Bush; The Arkansas State Employee Immunity Trilogy, 41 Ark. L. Rev. 893.

“Taking” a Look at Inverse Condemnation in Arkansas: Robinson v. City of Ashdown, 44 Ark. L. Rev. 519.

UALR L.J. Notes, 42 U.S.C. § 1983 – Civil Rights – Municipalities Liable for Money Damages. Monell v. Department of Social Servs., 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978), 2 UALR L.J. 419.

Survey – Torts, 10 UALR L.J. 609.