

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 558

5 By: Senator G. Stubblefield
6

For An Act To Be Entitled

8 AN ACT TO RESTORE A PERSON'S RIGHT TO A JURY TRIAL;
9 TO REPEAL ARKANSAS CODE § 16-30-104 CONCERNING THE
10 CONTRACTUAL WAIVER OF A JURY TRIAL; TO MAKE THE
11 REPEAL OF ARKANSAS CODE § 16-30-104 RETROACTIVE; TO
12 RESTORE RULE 39 OF THE ARKANSAS RULES OF CIVIL
13 PROCEDURE; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 TO REPEAL ARKANSAS CODE § 16-30-104
19 CONCERNING THE CONTRACTUAL WAIVER OF A
20 JURY TRIAL; TO MAKE THE REPEAL OF
21 ARKANSAS CODE § 16-30-104 RETROACTIVE;
22 AND TO DECLARE AN EMERGENCY.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Legislative findings.

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

32 (b) These waivers are generally nonnegotiable, and leave Arkansans
33 without their constitutional rights to a jury trial.
34

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 Arkansas Code § 16-30-104 is repealed.

36 ~~16-30-104. Contractual waiver of jury trial.~~



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

6
7 SECTION 3. DO NOT CODIFY. Retroactivity clause.
8 This act is retroactive to March 18, 2018.

9
10 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that a person’s right to a trial by
12 jury is one of the bedrock principles of our democracy. This right needs to
13 be restored immediately. Therefore, an emergency is declared to exist, and
14 this act being immediately necessary for the preservation of the public
15 peace, health, and safety shall become effective on:

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

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

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