

Products Liability Series: Does Arkansas Law Have a Statute of Repose?



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Does Arkansas law have a statute of repose? No. This means that for an Arkansas products liability action, the general rule is that a lawsuit must be commenced within three years after the date on which the death, injury, or damage complained of occurs. Ark. Code Ann. § 16-116-203. [There are exceptions and nuances to this statute of limitations rule.](#)

There may be a possible exception to the general rule stated above applicable to product related claims that can be characterized as improvements to real property. Arkansas courts have identified the limitations period in Ark. Code Ann. § 16-56-112 as a statute of repose. *First Elec. Co-op. Corp. v. Black, Corley, Owens & Hughes, P.A.*, 2011 Ark. App. 447, at 4–5. That statute sets a five year cutoff period for bringing certain claims. Pursuant to § 16-56-112, products that can be argued to be improvements to real property are subject to the limitations period, at least for claims brought against some defendants.

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