

West's Arkansas Code Annotated

Title 16. Practice, Procedure, and Courts (Refs & Annos)

Subtitle 7. Particular Proceedings and Remedies (Chapters 105 to 128)

Chapter 123. Civil Rights

Subchapter 1. The Arkansas Civil Rights Act of 1993 (Refs & Annos)

A.C.A. § 16-123-107

§ 16-123-107. Right to freedom from discrimination--Action for injunction--Damages--Limitation of action

Effective: August 1, 2017

[Currentness](#)

(a) The right of an otherwise qualified person to be free from discrimination because of race, religion, national origin, gender, or the presence of any sensory, mental, or physical disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (1) The right to obtain and hold employment without discrimination;
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (3) The right to engage in property transactions without discrimination;
- (4) The right to engage in credit and other contractual transactions without discrimination; and
- (5) The right to vote and participate fully in the political process.

(b) Any person who is injured by an intentional act of discrimination in violation of subdivisions (a)(2)-(5) of this section shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover compensatory and punitive damages, and, in the discretion of the court, to recover the cost of litigation and a reasonable attorney's fee.

(c)(1)(A) Any individual who is injured by employment discrimination by an employer in violation of subdivision (a)(1) of this section shall have a civil action against the employer only in a court of competent jurisdiction, which may issue an order prohibiting the discriminatory practices and provide affirmative relief from the effects of the practices, and award back pay, interest on back pay, and, in the discretion of the court, the cost of litigation and a reasonable attorney's fee.

(B) No liability for back pay shall accrue from a date more than two (2) years prior to the filing of an action.

(2)(A) In addition to the remedies under subdivision (c)(1)(A) of this section, any individual who is injured by intentional discrimination by an employer in violation of subdivision (a)(1) of this section shall be entitled to recover compensatory damages and punitive damages.

(B) The total compensatory and punitive damages awarded under subdivision (c)(2)(A) of this section shall not exceed:

(i) The sum of fifteen thousand dollars (\$15,000) in the case of an employer who employs fewer than fifteen (15) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(ii) The sum of fifty thousand dollars (\$50,000) in the case of an employer who employs more than fourteen (14) and fewer than one hundred one (101) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iii) The sum of one hundred thousand dollars (\$100,000) in the case of an employer who employs more than one hundred (100) and fewer than two hundred one (201) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iv) The sum of two hundred thousand dollars (\$200,000) in the case of an employer who employs more than two hundred (200) and fewer than five hundred one (501) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year; and

(v) The sum of three hundred thousand dollars (\$300,000) in the case of an employer who employs more than five hundred (500) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

(3) Damages under subdivisions (c)(2)(B)(ii)-(v) of this section shall not duplicate or increase an award for damages over the statutory limit allowed by state law or any federal law, as the federal law existed on January 1, 2017.

(4) Any action based on employment discrimination in violation of subdivision (a)(1) of this section shall be brought within one (1) year after the alleged employment discrimination occurred, or within ninety (90) days of receipt of a “Right to Sue” letter or a notice of “Determination” from the United States Equal Employment Opportunity Commission concerning the alleged unlawful employment practice, whichever is later.

Credits

[Acts of 1993, Act 962, §§ 4, 5](#); [Acts of 1995, Act 480, § 3](#); [Acts of 2017, Act 783, § 2](#), eff. Aug. 1, 2017.

Formerly [A.C.A. §§ 16-123-105, 16-123-106, 16-123-107](#).

A.C.A. § 16-123-107, AR ST § 16-123-107

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

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