

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1570

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 11, CHAPTER 9, SUBCHAPTER 5 OF THE WORKER'S COMPENSATION LAW TO CLARIFY THE USE OF THE SECOND INJURY FUND FOR DISABILITY OR IMPAIRMENT RESULTING FROM NONCONCURRENT INJURIES OCCURRING WHILE IN THE EMPLOYMENT OF THE SAME EMPLOYER; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 11-9-525(d) is hereby amended to read as follows:

"(d) (1) If more than one (1) injury in the same employment causes concurrent temporary disabilities, weekly benefits shall be payable only for the longest and largest paying disability.

(2) If more than one (1) injury in the same employment causes concurrent and consecutive permanent partial disability, weekly benefits for each subsequent disability shall not begin until the end of the compensation period for the prior disability.

(3) Second Injury Fund liability shall attach even if the previous disability or impairment occurred in the same employment."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General

Assembly that recent interpretations by the courts of this state concerning liability of the Second Injury Fund have resulted in restricting the application of the fund and prohibiting coverage for injuries for which the originators of the fund had intended its use; that such interpretations have had an adverse effect on the employability of certain citizens of this state; that this legislation is needed to correct and clarify worker's compensation law to ease the burden on employers willing to employ such workers; and that the immediate enactment of this legislation upon passage is necessary to resolve this problem for the citizens of this state. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

