

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1571

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 11, CHAPTER 9, SUBCHAPTER 8 OF THE WORKERS' COMPENSATION LAW TO CLARIFY THE EFFECT OF A JOINT PETITION IN MULTIPLE RESPONDENT CLAIMS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 11-9-805 is hereby amended to read as follows:

"11-9-805. Joint petition for final settlement.

(a) Upon petition filed by the employer or carrier and the injured employee, requesting that a final settlement be had between the parties, the commission shall hear the petition and take such testimony and make such investigations as may be necessary to determine whether a final settlement should be had.

(b) If the commission decides it is for the best interests of the claimant that a final award be made, it may order an award that shall be final as to the rights of all parties to the petition. Thereafter the commission shall not have jurisdiction over any claim for the same injury or any results arising from it, against any party to said joint petition. In cases involving more than one respondent, a joint petition shall be conclusive only as between the parties to the settlement, and nothing in this section shall be construed to prohibit the claimant from then proceeding against any and all other respondents, including other employers, employers' carriers, self-insured employers, the Second Injury Fund, the Permanent and Total Disability Bank Fund, the Public Employee Claims Division, and any provider of workers' compensation benefits.

(c) If the commission denies the petition, the denial shall be without prejudice to either party.

(d) No appeal shall lie from an order or award allowing or denying a joint petition."

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 All laws and parts of laws in conflict with this act are hereby repealed.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 court interpretations of Workers' Compensation laws have resulted in extended litigation rather than settlements which are desired by all parties; that this legislation is needed to correct and clarify worker's compensation law to ease the burden on employers and increase the likelihood that settlements of claims which are beneficial to the injured worker can be made; 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 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.

