

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dietz**

A Bill

HOUSE BILL 1279

For An Act To Be Entitled

8 "AN ACT TO EXEMPT REAL ESTATE BROKERS FROM THE PROVISIONS
9 OF THE WORKERS' COMPENSATION LAW; AND FOR OTHER PURPOSES."

10

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

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13 SECTION 1. Ark. Code Ann. §11-9-102(3) is hereby amended to read as
14 follows:

15 "(3) 'Employment' means:

16 (A) Every employment carried on in the state in which three (3)
17 or more employees are regularly employed by the same employer in the course of
18 business, except:

19 (i) Domestic service;

20 (ii) Agricultural farm labor;

21 (iii) Institutions maintained and operated wholly as public
22 charities;

23 (iv) The State of Arkansas and each of the political
24 subdivisions thereof, except as provided by §§6-17-1401 - 6-17-1405, 14-26-101
25 - 14-26-104, 14-60-101 - 14-60-104, 19-10-101 - 19-10-103, 19-10-202 -
26 19-10-210, 19-10-401 - 19-10-406, and 21-5-601 - 21-5-610;

27 (v) Any person engaged in the vending, selling, offering
28 for sale, or delivery directly to the general public of any newspapers,
29 magazines, or periodicals, or any person acting as sales agent or distributor
30 as an independent contractor of or for any newspaper, magazine, or periodical;

31 (vi) Services performed by an individual as a real estate
32 broker if: the individual is engaged in performing acts or transactions
33 comprehended by the definition of 'real estate broker' and as found in Ark.
34 Code Ann. §17-35-101 et seq.; the individual is licensed as a real estate
35 broker by the Arkansas Real Estate Commission; substantially all the

1 remuneration, whether or not paid in cash, *is* for the performance of services,
2 rather than to the number of hours worked; and the services performed by the
3 individual are performed under a written contract between the individual and
4 the person for whom the services are performed, and the contract provides that
5 the individual is not treated as an employee with respect to those services
6 for federal tax purposes.

7 (B) Every employment in which two (2) or more employees are
8 employed by any person engaged in building or building repair work;

9 (C) Every employment in which one (1) or more employees are
10 employed by a contractor who subcontracts any part of his contract;

11 (D) Every employment in which one (1) or more employees are
12 employed by a subcontractor;"

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

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18 SECTION 3. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 /s/ James Dietz

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