

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 2001

5 By: Representative Baltz  
6

## For An Act To Be Entitled

8 AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO  
9 SUSPEND OR REVOKE THE CERTIFICATE OR LICENSE FOR A  
10 CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER  
11 WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED  
12 STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR;  
13 AND FOR OTHER PURPOSES.  
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## Subtitle

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16 TO ALLOW THE CONTRACTORS LICENSING BOARD  
17 TO SUSPEND OR REVOKE THE CERTIFICATE OR  
18 LICENSE OF CERTAIN CONTRACTORS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3, is  
25 amended to add an additional section to read as follows:

26 17-25-317. Workers without legal authorization to work in the United  
27 States – Prohibition.

28 (a) As used in this section, "worker without legal authorization to  
29 work in the United States" means an individual who cannot present valid and  
30 appropriate documentation evidencing both identity and authorization to work  
31 as required by Federal Form 1-9 as existing on January 1, 2011, and using the  
32 applicable regulations, standards, and guidelines of Federal Form 1-9 as  
33 existing on January 1, 2011.

34 (b)(1) If after notice and hearing, a contractor licensed under this  
35 chapter is found by the Contractors Licensing Board to knowingly employ a  
36 worker without legal authorization to work in the United States either



1 directly or through a subcontractor, the board may:

2 (A) Suspend the contractor's certificate of license; or

3 (B) Revoke the contractor's certificate of license.

4 (2) A contractor shall not be found to have knowingly employed a  
 5 worker without legal authorization to work in the United States if the  
 6 contractor uses the federal E-Verify system, if allowed by law, to verify the  
 7 legal status of all persons offered employment by the contractor. Use of the  
 8 federal E-Verify system, if allowed by law, is an affirmative defense under  
 9 this section.

10 (c) A contractor shall not be liable through a subcontractor under  
 11 this section if the contractor and subcontractor agree in writing that the  
 12 subcontractor shall be responsible for verifying through the federal E-Verify  
 13 system, if allowed by law, that each worker employed by the subcontractor is  
 14 legally authorized to work in the United States.

15 (d) The board shall promulgate rules necessary to carry out the  
 16 provisions of this section.

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