

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1227

4
5 By: Representatives Wardlaw, Boyd, M. Gray, Lundstrum, McCollum, Underwood, Warren
6 By: Senators L. Eads, J. English, T. Garner, Gilmore, Hester, B. Sample

For An Act To Be Entitled

9 AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF
10 ARKANSAS; TO AMEND THE SECTION REGARDING RELIEF FROM
11 LIABILITY FOR EMPLOYERS; TO AMEND PORTIONS OF THE
12 MINIMUM WAGE ACT OF THE STATE OF ARKANSAS IMPACTING
13 THE LAW RESULTING FROM INITIATED ACT 5 OF 2018; AND
14 FOR OTHER PURPOSES.

Subtitle

15
16
17
18 TO AMEND THE MINIMUM WAGE ACT OF THE
19 STATE OF ARKANSAS; AND TO AMEND THE
20 SECTION REGARDING RELIEF FROM LIABILITY
21 FOR EMPLOYERS THAT IMPACTS PORTIONS OF
22 THE LAW RESULTING FROM INITIATED ACT 5 OF
23 2018.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. Arkansas Code § 11-4-221(a), concerning relief from
29 liability for failure to pay minimum wage or overtime compensation and as
30 affected by Initiated Act 5 of 2018, is amended to read as follows:

31 (a) Except as provided in subsection (b) of this section, an employer
32 is not subject to liability under this subchapter, on account of the failure
33 of the employer to pay an employee minimum wages or to pay an employee
34 overtime compensation, for or on account of any of the following activities
35 of the employee:

36 (1) Walking, riding, or traveling to and from the actual place



1 of performance of the principal activity or activities which the employee is
 2 employed to perform; ~~and~~

3 (2)(A) An activity that is preliminary to or postliminary to the
 4 principal activity or activities, which occurs either before the time on any
 5 particular workday at which the employee commences or subsequent to the time
 6 on any particular workday at which he or she ceases the principal activity or
 7 activities.

8 (B) For purposes of subdivision (a)(2)(A) of this section,
 9 the use of an employer's vehicle for travel by an employee and activities
 10 performed by an employee that are incidental to the use of the vehicle for
 11 commuting shall not be considered part of the employee's principal activities
 12 if the use of the vehicle for travel is within the normal commuting area for
 13 the employer's business or establishment and the use of the employer's
 14 vehicle is subject to an agreement on the part of the employer and the
 15 employee or representative of the employee; ~~and~~

16 (3) For an employee of a motor carrier employed in a driving
 17 capacity, in addition to those activities listed in subdivisions (a)(1) and
 18 (2) of this section, an activity that occurs while the employee is:

19 (A) Traveling to or from a personal residence;

20 (B) Engaging in a personal activity that is not primarily
 21 in furtherance of the employer's business; or

22 (C) Logging time as "off-duty" or "sleeper berth".

23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36