

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 327 of the Regular Session

1 State of Arkansas

As Engrossed: H2/5/09 H2/13/09 H2/23/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1362

4  
5 By: Representatives M. Burris, R. Green

6 By: Senators J. Taylor, Elliott

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9  
10 **For An Act To Be Entitled**

11 AN ACT TO CLARIFY THE LAW REGARDING WORKERS'  
12 *COMPENSATION PAYMENTS UNDER THE WORKER'S*  
13 *COMPENSATION LAW THAT RESULTED FROM INITIATED ACT*  
14 *4 of 1948; TO ENSURE THAT LICENSED CONTRACTORS*  
15 OBTAIN AND MAINTAIN WORKERS' COMPENSATION  
16 INSURANCE; AND FOR OTHER PURPOSES.

17  
18 **Subtitle**

19 AN ACT TO CLARIFY THE LAW REGARDING  
20 *WORKERS' COMPENSATION PAYMENTS THAT*  
21 *RESULTED FROM INITIATED ACT 4 of 1948*  
22 *AND TO ENSURE THAT LICENSED CONTRACTORS*  
23 OBTAIN AND MAINTAIN WORKERS'  
24 COMPENSATION INSURANCE.

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

28  
29 SECTION 1. Arkansas Code § 11-9-411(a), concerning the effect of  
30 workers' compensation payments by other insurers, is amended to add an  
31 additional subdivision to read as follows:

32 (a)(1) Any benefits payable to an injured worker under this chapter  
33 shall be reduced in an amount equal to, dollar-for-dollar, the amount of  
34 benefits the injured worker has previously received for the same medical  
35 services or period of disability, whether those benefits were paid under a



1 group health care service plan of whatever form or nature, a group disability  
2 policy, a group loss of income policy, a group accident, health, or accident  
3 and health policy, a self-insured employee health or welfare benefit plan, or  
4 a group hospital or medical service contract.

5 (2) The reduction specified in subdivision (a)(1) of this  
6 section does not apply to any benefit received from a group policy for  
7 disability, if the injured worker has paid for the policy.

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9 *SECTION 2. Arkansas Code § 11-9-525(e) that resulted from Initiated*  
10 *Act 4 of 1948, concerning the cessation of workers' compensation for*  
11 *disability and second injuries, is amended to read as follows:*

12 (e)(1) No claims under this section shall be made on or after January  
13 1, 2008.

14 (2) For all claims for permanent partial disability or permanent  
15 total disability made on or after January 1, 2008, the employer at the time  
16 of the employee's compensable injury is liable for such benefits subject to  
17 the Workers' Compensation Law, § 11-9-101 et seq., excluding 11-9-525 (a)(1)-  
18 (d)(2).

19  
20 *SECTION 3. Arkansas Code § 11-9-525 that resulted from Initiated Act 4*  
21 *of 1948, concerning workers' compensation for disability and second injuries,*  
22 *is amended to add an additional subsection to read as follows:*

23 (f)(1) A claimant who has been deemed permanently totally disabled and  
24 is currently receiving benefits from the Second Injury Trust Fund as of  
25 December 31, 2009, shall receive those benefits from the Death and Permanent  
26 Total Disability Trust Fund commencing January 1, 2010.

27 (2) For all claims pending against the Second Injury Trust Fund  
28 on and after January 1, 2010, if a claimant becomes eligible to receive  
29 benefits for permanent total disability from the Second Injury Trust Fund,  
30 then upon completion of payment by the employer of its obligation under  
31 subdivision (b)(5) of this section, the claimant shall be paid the remainder  
32 of the compensation that would be due for permanent total disability from the  
33 Death and Permanent Total Disability Trust Fund.

34  
35 *SECTION 4. Arkansas Code § 17-25-308 is amended to read as follows:*  
36 *17-25-308. Grounds for revocation.*

