

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

As Engrossed: S3/29/17

# A Bill

SENATE BILL 760

5 By: Senator D. Sanders  
6 By: Representative Collins  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CLARIFY THE LAW REGARDING FINAL SETTLEMENTS  
10 OF WORKERS' COMPENSATION CLAIMS INVOLVING JOINT  
11 PETITIONS UNDER THE WORKERS' COMPENSATION LAW THAT  
12 RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND FOR  
13 OTHER PURPOSES.  
14

### Subtitle

15  
16 TO CLARIFY FINAL SETTLEMENTS OF WORKERS'  
17 COMPENSATION CLAIMS INVOLVING JOINT  
18 PETITIONS UNDER THE WORKERS' COMPENSATION  
19 LAW THAT RESULTED FROM INITIATED MEASURE  
20 1948, NO. 4.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 11-9-805 is amended to read as follows:  
27 11-9-805. Joint petition for final settlement.

28 (a)(1) ~~Upon~~ Except as provided in subdivision (a)(2) of this section,  
29 upon petition filed by the employer or carrier and the injured employee  
30 requesting that a final settlement be had between the parties, the Workers'  
31 Compensation Commission shall hear the petition and take testimony and make  
32 investigations as may be necessary to determine whether a final settlement  
33 should be had.

34 (2)(A) If a claimant has been determined to be eligible for  
35 Medicare, the parties may petition the commission for a partial settlement of  
36 all issues other than future medical treatment.



1 (B) A partial settlement under subdivision (a)(2) of this  
2 section is final concerning all issues except future medical treatment.

3 (b)(1)(A) ~~If the commission decides it is for that a final settlement~~  
4 ~~award is in the best interests of the claimant that a final award be made, it~~  
5 ~~parties, the commission may order an award that shall be is final as to~~  
6 ~~concerning the rights of all the parties to the joint petition.~~

7 (B) After the commission enters an order with regard to  
8 any full settlement, the commission does not have jurisdiction over any claim  
9 for the same injury or any results arising from it.

10 (2)(A) ~~Thereafter, the commission shall not have jurisdiction~~  
11 ~~over any claim for the same injury or any results arising from it~~ If the  
12 commission decides that a partial settlement award is in the best interests  
13 of the parties, the commission may order an award that is final concerning  
14 the partial settlement of the rights of all the parties to the joint  
15 petition.

16 (B) After the commission enters an order with regard to  
17 any partial settlement, the commission does not have jurisdiction over any  
18 claim for the same injury or any results arising from it other than claims  
19 for future medical expenses.

20 (c) If an employee has returned to work or agreed to return to work,  
21 the commission shall not approve a joint petition which has allotted moneys  
22 for vocational rehabilitation or any indemnity benefits in excess of that  
23 payable as an anatomical impairment as established by objective and  
24 measurable findings.

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

27 (e) ~~No~~ An appeal shall not lie from an order or award denying or  
28 approving a joint petition.

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30 /s/D. Sanders

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33 **APPROVED: 04/06/2017**