	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
7	
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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) <u>(l)</u> 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



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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.
8	
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) <u>(1)</u> 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	<u>(d)(2).</u>
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	subdivision (b)(5) of this section, the claimant shall be paid the remainder of the compensation that would be due for permanent total disability from the
32 33 34	of the compensation that would be due for permanent total disability from the
33	of the compensation that would be due for permanent total disability from the

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1	<u>(a)</u> The Contractors Licensing Board shall have the power to <u>may</u> revoke
2	the certificate of license of any contractor licensed under this chapter who
3	is found guilty of any fraud or deceit in obtaining a license or for aiding
4	or abetting any contractor or person to violate the provisions of this
5	chapter or for gross negligence, incompetence, or misconduct in the conduct
6	of the contractor's business.
7	(b) The Contractors Licensing Board may revoke the certificate of
8	license of a contractor licensed under this chapter who fails to obtain or
9	maintain worker's compensation covered as required under the Workers'
10	Compensation Law, § 11-9-101 et seq. and § 17-25-514.
11	
12	SECTION 5. Arkansas Code Title 17, Chapter 25, Subchapter 1 is amended
13	to add an additional section to read as follows:
14	17-25-316. Workers' compensation coverage required.
15	(a) A contractor required to be licensed by the Contractors Licensing
16	Board shall obtain and maintain workers' compensation coverage as required
17	under the Workers' Compensation Law, § 11-9-101 et seq.
18	(b) The board shall require proof of current workers' compensation
19	coverage before issuing or renewing a license to a contractor required to
20	have workers' compensation coverage under § 11-9-101 et seq.
21	(c)(l) If a contractor fails to maintain workers' compensation
22	coverage or fails to maintain proof of current workers' compensation coverage
23	on file with the board, the board may revoke or suspend the contractor's
24	license.
25	(2) A contractor's license that has been revoked or suspended
26	due to failure to maintain workers' compensation coverage may be reinstated
27	upon receipt by the board of proof that the contractor has secured workers'
28	compensation coverage.
29	(d) The board shall promulgate rules necessary to enforce this section.
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31	/s/ M. Burris
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33	APPROVED: 3/09/2009
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