

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

As Engrossed: H3/29/17
A Bill

SENATE BILL 635

5 By: Senator J. Hutchinson
6 *By: Representative Jett*
7

8 **For An Act To Be Entitled**

9 AN ACT TO EXEMPT OWNER-OPERATORS AND CONTRACTED
10 DRIVERS OF MOTOR VEHICLES FROM THE DEFINITION OF
11 "EMPLOYMENT" FOR THE DEPARTMENT OF WORKFORCE SERVICES
12 LAW; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO EXEMPT OWNER-OPERATORS AND CONTRACTED
16 DRIVERS OF MOTOR VEHICLES FROM THE
17 DEFINITION OF "EMPLOYMENT" FOR THE
18 DEPARTMENT OF WORKFORCE SERVICES LAW.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 11-10-210(f), concerning the definition of
25 "employment" for the Department of Workforce Services Law, is amended to add
26 an additional subdivision as follows:

27 (23)(A) Service performed by an owner-operator that provides a
28 motor vehicle and the services of a driver to a motor carrier under a written
29 contract.

30 (B) An employee or agent of the owner-operator shall not
31 be considered an employee of the motor carrier for purposes of employment
32 security taxation or compensation.

33 (C) This subdivision (f)(23) does not apply if:

34 (i) The service constitutes employment performed by
35 an employee under the Federal Unemployment Tax Act; or

36 (ii) The owner-operator is a state or local



1 government entity or federally recognized Indian tribe as described in 26
2 U.S.C. § 3306(c)(7) or a nonprofit organization as described in 26 U.S.C. §
3 3309(a)(1).

4
5 *SECTION 2. DO NOT CODIFY. Effective date.*

6 *Section 1 of this act becomes effective on January 1, 2018.*

7
8
9 /s/J. Hutchinson

10
11
12 **APPROVED: 04/07/2017**

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36