

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

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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.

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

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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".

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 25 **APPROVED: 2/9/21**  
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