

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1773

4  
5 By: Representative Napper  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS WORKERS' COMPENSATION LAW  
10 TO PROVIDE FOR EXTRA TERRITORIAL COVERAGE AND  
11 CONFLICTS OF JURISDICTION BETWEEN THE WORKERS'  
12 COMPENSATION LAW OF THIS STATE AND OTHER STATES IN  
13 WHICH A CLAIM BY AN EMPLOYEE MAY BE FILED; AND FOR  
14 OTHER PURPOSES.

## Subtitle

15  
16 AMEND THE ARKANSAS WORKERS' COMPENSATION  
17 LAW TO PROVIDE FOR EXTRA TERRITORIAL  
18 COVERAGE AND CONFLICTS OF JURISDICTION  
19 BETWEEN THE WORKERS' COMPENSATION LAW OF  
20 THIS STATE AND OTHER STATES IN WHICH A  
21 CLAIM BY AN EMPLOYEE MAY BE FILED.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 11, Chapter 9, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 11-9-117. Extraterritorial coverage; Choice of jurisdiction agreements.

30 (a) As used in this section:

31 (1) "United States" means only the states of the United States  
32 and the District of Columbia;

33 (2) "State" means any state of the United States and the District  
34 of Columbia;

35 (3) "Employer's place of business" means a location from which  
36 freight is regularly picked up or to which freight is regularly delivered by

1 the employer's employee;

2 (4) "Workers' compensation laws" also includes laws governing  
3 occupational disease.

4 (b) For the purposes of this section, a person's employment is  
5 principally localized in this or another state when his or her employer has a  
6 place of business in this or another state and he or she regularly works at or  
7 from such place or business, or if he or she is domiciled and spends a  
8 substantial part of his or her working time in the service of his or her  
9 employer in this or such other state.

10 (c) Except as provided in subsection (d) of this section, an employee  
11 whose duties require him or her to travel regularly in the service of his or  
12 her employer in this and one or more other states is entitled to the workers'  
13 compensation jurisdiction of this state if such employment is principally  
14 localized in this state.

15 (d) An employee whose duties require him or her to travel regularly in  
16 the service of his or her employer in this and one or more other states may,  
17 by written agreement with his or her employer, provide that his or her  
18 employment is principally located in this or another such state; and unless  
19 such other state refused jurisdiction, such agreement shall be given effect  
20 under this section. A written agreement that substantially conforms to any  
21 state's workers' compensation laws regarding the employer's and employee's  
22 election to be bound by a designated state's workers' compensation law shall  
23 be given effect under this section.

24 (e) The payment or award of benefits under the workers' compensation  
25 laws of such other state designated in a written agreement pursuant to (d)  
26 herein to an employee or his or her dependents otherwise entitled on account  
27 of such injury or death to the benefits under the workers' compensation laws  
28 of this state shall be a bar to a claim for benefits under the workers'  
29 compensation laws of this state.

30 (f) The recovery of any compensation benefits under the law of any  
31 state shall bar any common-law or statutory right of action for damages that  
32 an employee or his or her dependents might otherwise have had against the  
33 employer or the officers, directors or employees of the employer as a result  
34 of the injury or death on account of which such compensation benefits were  
35 paid.

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