

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2675

5 By: Representative Anderson
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 11-9-501
10 CONCERNING THE COMPENSATION RATE FOR DEATH AND
11 DISABILITY; TO AMEND A PORTION OF THE ARKANSAS
12 CODE WHICH RESULTED FROM INITIATED ACT 4 OF 1948;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 11-9-501
16 CONCERNING THE COMPENSATION RATE FOR
17 DEATH AND DISABILITY AND TO AMEND A
18 PORTION OF THE ARKANSAS CODE WHICH
19 RESULTED FROM INITIATED ACT 4 OF 1948.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 11-9-501 is amended to read as follows:

26 11-9-501. Limitations on compensation - Death and disability.

27 (a)(1) Compensation to the injured employee shall not be allowed for
28 the first seven (7) days' disability resulting from injury, excluding the day
29 of injury.

30 (2) If a disability extends beyond that period, compensation
31 shall commence with the ninth day of disability.

32 (3) If a disability extends for a period of two (2) weeks,
33 compensation shall be allowed beginning the first day of disability,
34 excluding the day of injury.

35 (b) Compensation payable to an injured employee for disability, other
36 than permanent partial disability as specified in subsection (d) of this



1 section, and compensation payable to surviving dependents of a deceased
 2 employee, the total disability rate shall not exceed sixty-six and two-thirds
 3 percent (66 2/3%) of the employee's average weekly wage with a twenty dollar
 4 (\$20.00) per week minimum, subject to the following maximums:

5 (1) For disability or death due to an injury occurring on and
 6 after July 1, 1987, through December 31, 1988, the maximum weekly benefits
 7 payable shall be one hundred eighty-nine dollars (\$189);

8 (2) For disability or death due to an injury occurring on and
 9 after January 1, 1989, through December 31, 1989, the maximum weekly benefits
 10 payable shall be sixty-six and two-thirds percent (66 2/3%) of the state
 11 average weekly wage;

12 (3) For a disability or death which results from an injury
 13 occurring on and after January 1, 1990, the maximum weekly benefit payable
 14 shall be seventy percent (70%) of the state average weekly wage;

15 (4) For a disability or death which results from an injury
 16 occurring during a calendar year beginning on or after January 1, 1996,
 17 through December 31, 2007, the maximum weekly benefit payable shall be
 18 eighty-five percent (85%) of the state average weekly wage if, and only if,
 19 the Insurance Commissioner certifies to the Workers' Compensation Commission
 20 during December 1995, that the overall workers' compensation insurance rates
 21 for Arkansas have decreased by at least ten percent (10%) subsequent to
 22 July 1, 1993;

23 (5)(A) For disability or death which results from an injury
 24 occurring on or after January 1, 2008, the maximum weekly benefit payable
 25 shall be five hundred four dollars (\$504), until such time as the Second
 26 Injury Fund and the Death and Permanent and Total Disability Trust Fund are
 27 actuarially solvent as determined by the commission.

28 (B) Upon the commission's certification to the General
 29 Assembly that the Second Injury Fund and the Death and Permanent and Total
 30 Disability Trust Fund are actuarially solvent, the maximum weekly benefit
 31 rate shall be eighty-five percent (85%) of the state average weekly rate;

32 ~~(5)(6)~~ After January 1, 1994, the weekly benefit rate shall be
 33 rounded to the nearest whole dollar, i.e., if the actual rate be a dollar
 34 amount plus forty-nine cents (49¢) or less, the rate for compensation
 35 purposes shall be the next lower whole dollar amount, and if the actual rate
 36 be a dollar amount plus fifty cents (50¢) or more, then the rate for

1 compensation purposes shall be the next higher whole dollar amount.

2 (c)(1) Upon request of the respondent or carrier, the commission shall
 3 review the claim and determine the necessity for additional temporary total
 4 benefits after forty (40) weeks or after any thirteen-week interval
 5 thereafter and may, if warranted by the preponderance of the evidence on the
 6 basis of the record as a whole, extend the period of payment for temporary
 7 total disability.

8 (2) Any weekly benefit payments made after the commission has
 9 terminated temporary total benefits shall be classified as warranted by the
 10 facts in the case and as otherwise provided for in this chapter.

11 (d)(1) The permanent partial disability rate for compensation payable
 12 to an employee for permanent partial disability which results from an injury
 13 occurring on or after July 1, 1986, shall not exceed sixty-six and two-thirds
 14 percent (66 2/3%) of the employee's average weekly wage, with a twenty dollar
 15 (\$20.00) per week minimum, subject to a maximum of one hundred fifty-four
 16 dollars (\$154). However, if the employee's total disability rate for the
 17 injury would be two hundred five dollars and thirty-five cents (\$205.35) per
 18 week or greater, then the maximum permanent partial disability rate shall be
 19 seventy-five percent (75%) of the employee's total disability rate.

20 (2)(A) The permanent partial disability rate provided herein
 21 shall also apply to scheduled permanent injuries except those resulting in
 22 amputation or permanent total loss of use of a member.

23 (B) The permanent partial disability rate for amputation
 24 or permanent total loss of use of a member shall be the same as the
 25 employee's total disability rate as specified in subsection (b) of this
 26 section, subject to the maximum as set forth in subdivision (b)(4) of this
 27 section.

28 (3) The provisions of this subsection shall apply only to those
 29 injuries which occur on or after January 1, 1996.

30 (e) Compensation payable to the dependents of a deceased employee
 31 shall be in addition to the funeral allowance and those benefits which were
 32 paid or to which the injured employee was entitled in his or her lifetime
 33 under §§ 11-9-508 - 11-9-517 and ~~§§~~ 11-9-519 - 11-9-526.
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