

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 802

5 By: Senator D. Sanders
6 By: Representative Murdock
7

For An Act To Be Entitled

9 AN ACT TO REGULATE MOTOR CARRIERS IN RELATION TO
10 WORKERS' COMPENSATION LAWS; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO REGULATE MOTOR CARRIERS IN RELATION TO
15 WORKERS' COMPENSATION LAWS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 11, Chapter 9, Subchapter 4, is amended
21 to add an additional section to read as follows:

22 11-9-412. Motor carrier drivers.

23 (a) As used in this section:

24 (1) "Commercial motor vehicle" means a motor vehicle or
25 combination of motor vehicles used in commerce to transport passengers or
26 property;

27 (2) "Driver" means a person, including but not limited to a
28 member of a team, who operates a commercial motor vehicle;

29 (3) "Motor carrier" means a person, partnership, corporation, or
30 limited liability company that provides truck transportation; and

31 (4) "Owner-operator" means a person, partnership, corporation,
32 or limited liability company that owns or holds under a bona fide lease a
33 commercial motor vehicle that is provided to a motor carrier.

34 (b)(1) Notwithstanding any other law, an owner-operator that provides
35 a commercial motor vehicle and the services of one or more drivers to a motor
36 carrier under a written contract, and each driver so provided, is not an



1 employee of the motor carrier but is an independent contractor of the motor
2 carrier.

3 (2) The motor carrier shall not be liable for any compensation
4 required by this chapter to the owner-operator, its employees, or
5 subcontractors.

6 (3) An owner-operator that is under exclusive contract to the
7 motor carrier may elect to secure coverage for the owner-operator and for one
8 or more drivers of the owner-operator through a workers' compensation
9 insurance policy or authorized self-insurance plan that insures the motor
10 carrier if:

11 (A) The election by the owner-operator is made in writing
12 as part of a written contract between the owner-operator and the motor
13 carrier; and

14 (B) The owner-operator pays the premiums as requested by
15 the motor carrier.

16 (4) An owner-operator's election, whether or not under
17 subdivision (b)(3) of this section, to be covered and to have one or more of
18 its drivers covered under a workers' compensation insurance policy or
19 authorized self-insurance plan shall not terminate or otherwise affect the
20 independent-contractor status of the owner-operator or of any of its drivers.

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