

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 760

TO CLARIFY WORKERS' COMPENSATION DEATH AND PERMANENT TOTAL DISABILITY TRUST
FUND PAYMENTS UNDER THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED
MEASURE 1948, NO. 4.

Amendment No. 1 to Senate Bill No. 760

Amend Senate Bill No. 760 as originally introduced:

Add Representative Collins as a cosponsor of the bill

AND

Delete the title in its entirety and substitute the following:
"AN ACT TO CLARIFY THE LAW REGARDING FINAL SETTLEMENTS OF WORKERS'
COMPENSATION CLAIMS INVOLVING JOINT PETITIONS UNDER THE WORKERS' COMPENSATION
LAW THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND FOR OTHER
PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:
"TO CLARIFY FINAL SETTLEMENTS OF WORKERS'
COMPENSATION CLAIMS INVOLVING JOINT
PETITIONS UNDER THE WORKERS'
COMPENSATION LAW THAT RESULTED FROM
INITIATED MEASURE 1948, NO. 4."

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 11-9-805 is amended to read as follows:
11-9-805. Joint petition for final settlement.

(a)(1) ~~Upon~~ Except as provided in subdivision (a)(2) of this section,
upon petition filed by the employer or carrier and the injured employee
requesting that a final settlement be had between the parties, the Workers'
Compensation Commission shall hear the petition and take testimony and make
investigations as may be necessary to determine whether a final settlement
should be had.

(2)(A) If a claimant has been determined to be eligible for
Medicare, the parties may petition the commission for a partial settlement of



all issues other than future medical treatment.

(B) A partial settlement under subdivision (a)(2) of this section is final concerning all issues except future medical treatment.

(b)(1)(A) If the commission decides ~~it is for~~ that a final settlement award is in the best interests of the claimant that a final award be made, it parties, the commission may order an award that shall be is final as to concerning the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any full settlement, the commission does not have jurisdiction over any claim for the same injury or any results arising from it.

(2)(A) Thereafter, the commission shall not have jurisdiction over any claim for the same injury or any results arising from it If the commission decides that a partial settlement award is in the best interests of the parties, the commission may order an award that is final concerning the partial settlement of the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any partial settlement, the commission does not have jurisdiction over any claim for the same injury or any results arising from it other than claims for future medical expenses.

(c) If an employee has returned to work or agreed to return to work, the commission shall not approve a joint petition which has allotted moneys for vocational rehabilitation or any indemnity benefits in excess of that payable as an anatomical impairment as established by objective and measurable findings.

(d) If the commission denies the petition, the denial shall be without prejudice to either party.

(e) ~~No~~ An appeal shall not lie from an order or award denying or approving a joint petition."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Sanders

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Secretary