

A Bill

5
6 By: Representative Powers

7 Filed with: Interim House Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

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14 **Subtitle**

15 TO REGULATE MOTOR CARRIERS IN RELATION TO
16 WORKERS' COMPENSATION LAWS.

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

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21 SECTION 1. Arkansas Code Title 11, Chapter 9, Subchapter 4 is amended
22 to add an additional section to read as follows:

23 11-9-412. Motor carrier drivers.

24 (a) As used in this section:

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

28 (2) "Driver" means a person who operates a commercial motor
29 vehicle;

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

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

35 (b)(1) Notwithstanding any other law, an owner-operator that provides a
36 commercial motor vehicle and the services of a driver to a motor carrier

1 under a written contract is not an employee of the motor carrier but is an
2 independent contractor of the motor 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) The owner-operator may elect to secure coverage for its
7 drivers through a workers' compensation insurance policy or authorized self-
8 insurance plan that insures the motor carrier if:

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

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

14 (4) An election by the owner-operator to be covered and have its
15 drivers covered under a workers' compensation insurance policy or authorized
16 self-insurance plan shall not terminate the drivers' independent contractor
17 status.

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33 Referred by the Arkansas House of Representatives

34 Prepared by: ANS/VJF

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