

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1282

By: Representative Gilbert

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 11-9-102(2) TO PROVIDE THAT EMPLOYERS OF PERSONS WHO ARE COMPENSATED SOLELY THROUGH COMMISSIONS SHALL NOT BE REQUIRED TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR THOSE EMPLOYEES; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 11-9-102(2) is hereby amended to read as follows:

"(2) "Employee" means any person, including a minor, whether lawfully or unlawfully employed in the service of an employer under any contract of hire or apprenticeship, written or oral, expressed or implied, but excluding one whose employment is casual and not in the course of the trade, business, profession, or occupation of his employer. The term "employee" does not include persons whose sole compensation is commissions. The term "employee" shall also include a sole proprietor or a partner who devotes full time to the proprietorship or partnership and who elects to be included in the definition of "employee" by filing written notice with the Workers' Compensation Commission. Any reference to an employee who has been injured, when that employee is dead, shall also include his legal representative, dependents, and other persons to whom compensation may be payable;"

SECTION 2. It is the intent of this Act to relieve employers of the obligation of providing Workers' Compensation coverage to employees whose sole compensation is commissions.

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.