

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives J. Wilson, McGee and Roberts**

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR AN ELECTION OF REMEDIES WHEN
9 WORKERS_ COMPENSATION COVERAGE IS DENIED; AND FOR OTHER
10 PURPOSES."

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Subtitle

13 "TO PROVIDE FOR AN ELECTION OF REMEDIES WHEN WORKERS_
14 COMPENSATION COVERAGE IS DENIED."

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

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18 SECTION 1. Whenever any employer, its insurer, or the employer_s or
19 insurer_s representatives or agents declare that an injury suffered by an
20 employee who claims that the injury occurred in the course of employment,
21 denies the claim on the basis of (1) that the injury did not occur in the
22 course of employment; or (2) that even though the injury occurred in the
23 course of employment, it is not compensable under the Workers_ Compensation
24 laws of this state, the employee then has the right to commence an action in
25 circuit court in tort or contract to recover damages against the employer as a
26 result of the injury. The burden of proof under this act shall be the same as
27 is required in any action based on negligence or breach of contract.

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29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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5 hereby repealed.

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