

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Dowd

A Bill

SENATE BILL 92

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 11-9-401 TO PROVIDE THAT
9 EMPLOYERS SHALL NOT BE LIABLE FOR WORKERS_ COMPENSATION
10 BENEFITS TO EMPLOYEES WHO WILLFULLY DISREGARD EMPLOYER_S
11 INSTRUCTIONS WITH REGARD TO THE USE OF SAFETY DEVICES; AND
12 FOR OTHER PURPOSES."

Subtitle

15 "TO PROVIDE THAT EMPLOYERS SHALL NOT BE
16 LIABLE FOR WORKERS_ COMPENSATION
17 BENEFITS TO EMPLOYEES WHO WILLFULLY
18 DISREGARD EMPLOYER_S INSTRUCTIONS WITH
19 REGARD TO THE USE OF SAFETY DEVICES."

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

23 SECTION 1. Arkansas Code 11-9-401 (a)(2) is amended to read as
24 follows: "(a)(2) There shall be no liability for compensation under this
25 chapter where the injury or death was substantially occasioned by the willful
26 intention of the injured employee to bring about such compensable injury or
27 death, nor shall there be liability for any benefits where an employee
28 willfully disregards the employer_s instructions with regard to the use of
29 safety devices (e.g., safety goggles, ear protectors, and machine guards) and
30 is injured as a direct result of the failure to follow the employer_s
31 instructions."

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

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

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 All laws and parts of laws in conflict with this act are hereby repealed.

