

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1735

4
5 By: Representative Dietz
6
7

For An Act To Be Entitled

8
9 "AN ACT TO EXEMPT REAL ESTATE LICENSEES FROM THE
10 PROVISIONS OF THE WORKERS COMPENSATION LAW; AND FOR OTHER
11 PURPOSES."
12

Subtitle

13
14 "AN ACT TO EXEMPT REAL ESTATE LICENSEES
15 FROM THE PROVISIONS OF THE WORKERS
16 COMPENSATION LAW."
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 11-9-102(10)(C) is amended to read as follows:

21 "(C) The term employee shall not include any individual who is both a
22 licensee as defined in Arkansas Code § 17-42-103(10) and a qualified real
23 estate agent as that term is defined in § 3508(b)(1) of the Internal Revenue
24 Code of 1986, as amended, and as may be amended, including all regulations
25 thereunder. A qualified real estate agent, as defined in the preceding
26 sentence, shall be entitled to file for and receive a certification of
27 noncoverage under this chapter from the commission."
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29 SECTION 2. Arkansas Code 11-9-102(12)(A) is amended to read as follows:

30 "(A) Every employment in the state in which three (3) or more employees
31 are regularly employed by the same employer in the course of business, except:

32 (i) An employee employed as a domestic servant in or about
33 a private home;

34 (ii) An employee employed to do gardening, maintenance, repair,
35 remodeling, or similar work in or about the private home of the person
36 employing the employee;

1 (iii) Agricultural farm labor;

2 (iv) The State of Arkansas and each of the political subdivisions
 3 thereof, except as provided by §§ 6-17-1401 - 6-17-1405, 14-26-101 - 14-26-
 4 104, 14-60-101 - 14-60-104, 19-10-101 - 19-10-103, 19-10-202 - 19-10-210, 19-
 5 10-401 - 19-10-406, and 21-5-601 - 21-5-610;

6 (v) A person for whom a rule of liability for injury or death
 7 arising out of and in the course of employment is provided by the laws of the
 8 United States;

9 (vi) A person performing services for any nonprofit religious,
 10 charitable, or relief organization;

11 (vii) Any person engaged in the vending, selling, offering for
 12 sale, or delivery directly to the general public of any newspapers, magazines,
 13 or periodicals, or any person acting as sales agent or distributor as an
 14 independent contractor of or for any newspaper, magazine, or periodical;

15 (viii) ~~Services performed by an individual if the individual is~~
 16 Any individual who is both a licensee as defined in Arkansas code § 17-42-
 17 103(10) and a qualified real estate agent as that term is defined in §
 18 3508(b)(1) of the Internal Revenue Code of 1986, as amended, and as may be
 19 amended, including all regulations thereunder;"

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21 SECTION 3. All provisions of this act of a general and permanent nature
 22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 4. If any provision of this act or the application thereof to
 26 any person or circumstance is held invalid, such invalidity shall not affect
 27 other provisions or applications of the act which can be given effect without
 28 the invalid provision or application, and to this end the provisions of this
 29 act are declared to be severable.

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

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