

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 2147

4
5 By: Representative Wilson

For An Act To Be Entitled

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

Subtitle

14 "TO PROVIDE FOR AN ELECTION OF REMEDIES
15 WHEN WORKERS COMPENSATION COVERAGE IS
16 DENIED."

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

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

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

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35 SECTION 3. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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6 hereby repealed.

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