

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

HOUSE BILL 1867

5 By: Representatives Lavery, Creekmore, Faris, Simmons, Pappas
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 11-4-218 TO EXEMPT THE
10 DIRECTOR OF THE DEPARTMENT OF LABOR FROM PAYMENT OF
11 COURT COSTS IN ACTIONS TO ENFORCE THE STATE MINIMUM
12 WAGE LAW; AND FOR OTHER PURPOSES."
13

Subtitle

14 "TO AMEND ARKANSAS CODE 11-4-218 TO
15 EXEMPT THE DIRECTOR OF THE DEPARTMENT OF
16 LABOR FROM PAYMENT OF COURT COSTS IN
17 ACTIONS TO ENFORCE THE STATE MINIMUM
18 WAGE LAW."
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 11-4-218 is amended to read as follows:

25 "11-4-218. Employee's remedies.

26 (a) Any employer who pays any employee less than minimum wages to which
27 the employee is entitled under or by virtue of this subchapter shall be liable
28 to the employee affected for the full amount of the wages, less any amount
29 actually paid to the employee by the employer, and for costs and such
30 reasonable attorney's fees as may be allowed by the court.

31 (b) Any agreement between the employee and employer to work for less
32 than minimum wages shall be no defense to the action.

33 (c) The venue of the action shall lie in the circuit court of any
34 county in which the services which are the subject of the employment were
35 performed.

36 (d) The Director of the Department of Labor shall have the authority to

1 fully enforce this subchapter by instituting legal action to recover any wages
2 which he determines to be due to employees under this subchapter. No legal
3 action shall be brought by the director until after notice and opportunity for
4 hearing pursuant to the Arkansas Administrative Procedure Act (§ 25-15-201 et
5 seq.) and entry of a final administrative order. Following any appeals taken
6 pursuant to the Administrative Procedure Act, the director shall be entitled
7 to enforce his final administrative order in any court of competent
8 jurisdiction, without paying costs or giving bond for costs. The director's
9 findings of fact shall be conclusive in any such proceeding."

10
11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

14
15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

20
21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36