

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

A Bill

SENATE BILL 86

4
5 By: Senator Dowd
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 11-9-102 (12),
10 CONCERNING THE DEFINITION OF 'EMPLOYMENT' FOR PURPOSES
11 OF THE WORKERS' COMPENSATION LAW; AND FOR OTHER
12 PURPOSES. "

Subtitle

13
14
15 "AN ACT CONCERNING THE DEFINITION OF
16 'EMPLOYMENT' FOR PURPOSES OF THE
17 WORKERS' COMPENSATION LAW. "

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 11-9-102 (12), concerning the definition of
23 "employment" for purposes of the Workers' Compensation Law, is amended to read
24 as follows:

25 "(12) 'Employment' means:

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

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

31 (ii) An employee employed to do gardening,
32 maintenance, repair, remodeling, or similar work in or about the private home
33 or residence of the person employing the employee;

34 (iii) Agricultural farm labor;

35 (iv) The State of Arkansas and each of the political
36 subdivisions thereof, except as provided by §§ 6-17-1401 - 6-17-1405, 14-26-

1 101 - 14-26-104, 14-60-101 - 14-60-104, 19-10-101 - 19-10-103, 19-10-202 - 19-
2 10-210, 19-10-401 - 19-10-406, and 21-5-601 - 21-5-610;

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

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

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

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

17 (B) Every employment in which two (2) or more employees are
18 employed by any person engaged in building or building repair work;

19 (C) Every employment in which one (1) or more employees are
20 employed by a contractor who subcontracts any part of his contract;

21 (D) Every employment in which one (1) or more employees are
22 employed by a subcontractor;"

23
24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

27
28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

33
34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

36