1   State of Arkansas

2   83rd General Assembly

A Bill

3   Regular Session, 2001   HOUSE BILL   1831

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5   By: Representative Napper

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8   **For An Act To Be Entitled**

9   AN ACT TO AMEND ARKANSAS CODE 11-9-102 TO PROVIDE THAT

10   A MOTOR CARRIER SHALL NOT BE DEEMED THE "EMPLOYER" OF

11   A LEASED-OPERATOR OR OWNER-OPERATOR OF A MOTOR VEHICLE

12   OR VEHICLES UNDER WRITTEN CONTRACT TO THE MOTOR

13   CARRIER UNDER THE ARKANSAS WORKERS' COMPENSATION LAW;

14   AND FOR OTHER PURPOSES.

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16   **Subtitle**

17   PROVIDE THAT A MOTOR CARRIER SHALL NOT

18   BE DEEMED THE "EMPLOYER" OF A LEASED-

19   OPERATOR OR OWNER-OPERATOR OF A MOTOR

20   VEHICLE OR VEHICLES UNDER WRITTEN

21   CONTRACT TO THE MOTOR CARRIER UNDER THE

22   ARKANSAS WORKERS' COMPENSATION LAW.

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

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27   SECTION 1. Arkansas Code 11-9-102(10) is amended to read as follows:

28   (10) "Employer" means any individual, partnership, limited

29 liability company, association, or corporation carrying on any employment, the

30 receiver or trustee of the same, or the legal representative of a deceased

31 employer; provided that no motor carrier shall be deemed the "employer" of a

32 leased-operator or owner-operator of a motor vehicle or vehicles under a

33 written contract to such a motor carrier.

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35   SECTION 2. Arkansas Code Title 11, Chapter 9, Subchapter 1 is amended

36 to add an additional section to read as follows:

RRS366

1   <u>11-9-118. A leased-operator or owner-operator under a written contract</u>

2 <u>with a motor carrier may elect to be covered and have the leased-operator's or</u>

3 <u>owner-operator's drivers covered under a workers' compensation policy or</u>

4 <u>authorized self-insurance that insures the motor carrier if the leased-</u>

5 <u>operator or owner-operator pays the premiums as requested by the motor</u>

6 <u>carrier. An election by a leased-operator or owner-operator under this</u>

7 <u>section does not terminate the independent contractor status of the leased-</u>

8 <u>operator or owner-operator for any purpose other than the purpose of this</u>

9 <u>section.</u>

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