1 State of Arkansas

A Bill

2 83rd General Assembly

3 Regular Session, 2001   HOUSE BILL 2262

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5 By: Representative Verkamp

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8 ## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 11-9-410(a)(2) RELATING

10 TO THE ALLOCATION OF THE PROCEEDS OF A JUDGMENT OR

11 SETTLEMENT IN AN ACTION AGAINST A THIRD PARTY BY A

12 WORKERS' COMPENSATION BENEFICIARY; AND FOR OTHER

13 PURPOSES.

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15 ## Subtitle

16 AMEND CODE RELATING TO ALLOCATION OF THE

17 PROCEEDS OF A JUDGMENT OR SETTLEMENT IN

18 AN ACTION AGAINST A THIRD PARTY BY A

19 WORKERS' COMPENSATION BENEFICIARY.

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

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24   SECTION 1. Arkansas Code 11-9-410(a)(2) is amended to read as follows:

25   (2) The commencement of an action by an employee or his dependents

26 against a third party for damages by reason of an injury to which this

27 chapter is applicable, or the adjustment of any claim, shall not affect the

28 rights of the injured employee or his dependents to recover compensation, but

29 any amount recovered by the injured employee or his dependents from a third

30 party shall be applied as follows:

31   (A) Reasonable costs of collection, including reasonable

32 attorney's fees, shall be deducted;

33   (B) Then, in every case, one-third (1/3) of the remainder shall

34 belong to the injured employee or his dependents, as the case may be;

35   (C) The remainder, or so much as is necessary to discharge the

36 actual amount of the liability of the employer and the carrier; and

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1   (D) Any excess shall belong to the injured employee or his

2 dependents.

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