

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S2/20/01 S2/22/01

A Bill

SENATE BILL 491

5 By: Senators DeLay, Everett
6 By: Representatives Ledbetter, *Rodgers*
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For An Act To Be Entitled

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10 AN ACT TO AMEND ARKANSAS CODE 11-9-503 PERTAINING TO
11 VIOLATION OF SAFETY PROVISIONS IN THE WORKERS'
12 COMPENSATION LAWS; AND FOR OTHER PURPOSES.
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Subtitle

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15 TO AMEND ARKANSAS CODE 11-9-503
16 PERTAINING TO VIOLATION OF SAFETY
17 PROVISIONS IN THE WORKERS' COMPENSATION
18 LAWS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 11-9-503 is amended to read as follows:
24 11-9-503. Violation of safety provisions.

25 ~~(a)(1) Notwithstanding any other definition of extra-hazardous employer~~
26 ~~as provided by § 11-9-409(c), any employer who fails to utilize the~~
27 ~~consultative safety services available through the Department of Labor, its~~
28 ~~own insurance carrier, or a private safety consultant shall be identified as~~
29 ~~an extra-hazardous employer if~~ If it is established by a preponderance of the
30 evidence that an injury or death is caused in substantial part by the failure
31 of the employer to comply with any ~~Arkansas statute or official~~ state or
32 federal law or regulation pertaining to the health or safety of employees or
33 fails to follow safety consultant recommendations, the employer shall be
34 subject to a fine in an amount not to exceed ten thousand dollars (\$10,000).
35 The fine shall be payable to the injured employee and paid by the employer,
36 and shall not be paid by the carrier.

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~~(2) When so notified, the employer shall comply with § 11-9-409(c)(2)-(8).~~

(b) ~~Provided, if it is established by a preponderance of the evidence that the employee is injured as a result of the employee's violation of the employer's safety rules or instructions, the provisions of this section shall not apply.~~ If the employee prevails, the employee shall be entitled to recover an attorneys' fee payable from the fine.

/s/ DeLay