

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

A Bill

SENATE BILL 825

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5 By: Senator DeLay
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For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE 11-9-411(c) PERTAINING
10 TO RELEASE OF SUBROGATION CLAIMS; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO REPEAL ARKANSAS CODE 11-9-411(c)
15 PERTAINING TO RELEASE OF SUBROGATION
16 CLAIMS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 11-9-411(c) is repealed:

23 11-9-411. Effect of payment by other insurers.

24 (a) Any benefits payable to an injured worker under this chapter shall
25 be reduced in an amount equal to, dollar-for-dollar, the amount of benefits
26 the injured worker has previously received for the same medical services or
27 period of disability, whether those benefits were paid under a group health
28 care service plan of whatever form or nature, a group disability policy, a
29 group loss of income policy, a group accident, health, or accident and health
30 policy, a self-insured employee health or welfare benefit plan, or a group
31 hospital or medical service contract.

32 (b) The claimant shall be required to disclose in a manner to be
33 determined by the commission the identity, address, or phone number of any
34 person or entity which has paid benefits described in this section in
35 connection with any claim under this chapter.

36 ~~(c)(1) Prior to any final award or approval of a joint petition, the~~

1 claimant shall be required to furnish the respondent with releases of all
2 subrogation claims for the benefits described in this section.

3 ~~(2)(A) In the event the claimant is unable to produce releases~~
4 ~~required by this section, then the commission shall determine the amount of~~
5 ~~such potential subrogation claims and shall direct the carrier or self-~~
6 ~~insured employer to hold in reserve only said sums for a period of five (5)~~
7 ~~years.~~

8 ~~(B) If, after the expiration of five (5) years, no release~~
9 ~~or final court order is presented otherwise directing the payment of said~~
10 ~~sums, then the carrier or self insured employer shall tender said sums to the~~
11 ~~Death and Permanent Total Disability Trust Fund.~~

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