

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 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H2/18/05*

# A Bill

HOUSE BILL 1101

5 By: Representative Thompson  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CODIFY THE "GOING AND COMING" RULE FOR  
10 INJURIES SUSTAINED BY AN EMPLOYEE WHILE TRAVELING  
11 IN FURTHERANCE OF THE EMPLOYER'S BUSINESS; TO  
12 AMEND A PORTION OF ARKANSAS CODE WHICH RESULTED  
13 FROM INITIATED ACT 4 OF 1948; AND FOR OTHER  
14 PURPOSES.

## Subtitle

15  
16 TO CODIFY THE "GOING AND COMING" RULE  
17 FOR INJURIES SUSTAINED BY AN EMPLOYEE  
18 WHILE TRAVELING IN FURTHERANCE OF THE  
19 EMPLOYER'S BUSINESS AND TO AMEND A  
20 PORTION OF ARKANSAS CODE WHICH RESULTED  
21 FROM INITIATED ACT 4 OF 1948.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 11-9-102(4)(A)(i), concerning the workers'  
28 compensation definition of a "compensable injury" which arises out of and in  
29 the course of employment and derived from Initiated Act 4 of 1948, is amended  
30 to read as follows:

31 (4)(A) "Compensable injury" means:

32 (i)(a) An accidental injury causing internal or  
33 external physical harm to the body or accidental injury to prosthetic  
34 appliances, including eyeglasses, contact lenses, or hearing aids, arising  
35 out of and in the course of employment and which requires medical services or  
36 results in disability or death.



1                   **(b)** An injury is "accidental" only if it is  
2 caused by a specific incident and is identifiable by time and place of  
3 occurrence.

4                   **(c)(1)** An injury is not "arising out of and in  
5 the course of employment" if it occurs while the employee is traveling to or  
6 from the workplace unless the employee is:

7                                   **(A)** Carrying out the employer's  
8 purpose or advancing the employer's interests directly or indirectly;

9                                   **(B)** Required to travel to perform  
10 the employee's job;

11                                   **(C)** Required to furnish the  
12 employee's own transportation for use during the working day to perform the  
13 employee's job; or

14                                   **(D)** Engaged in travel that is an  
15 inherent and necessary incident of a required employment activity.

16                   **(2)** For purposes of subdivision (c)(1)  
17 of this section, an injury may be treated as "arising out of and in the  
18 course of employment" even though the employee:

19                                   **(A)** Is not performing a service on  
20 behalf of the employer at the time of the injury; or

21                                   **(B)** Is not paid or otherwise  
22 compensated for travel;

23  
24                   SECTION 2. The purpose and intent of Section 1 of this act is to  
25 codify the "going and coming" rule and its exceptions as articulated by the  
26 Arkansas Supreme Court in Olsten Kimberly Quality Care v. Pettey, 328 Ark.  
27 381, 944 S.W.2d 524 (1997).

28   /s/ Thompson  
29  
30  
31  
32  
33  
34  
35  
36