

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1362

4
5 By: Representative M. Burris
6
7

For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE LAW REGARDING WORKERS'
10 COMPENSATION PAYMENTS; TO ENSURE THAT LICENSED
11 CONTRACTORS OBTAIN AND MAINTAIN WORKERS'
12 COMPENSATION INSURANCE; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT TO CLARIFY THE LAW REGARDING
16 WORKERS' COMPENSATION PAYMENTS AND TO
17 ENSURE THAT LICENSED CONTRACTORS OBTAIN
18 AND MAINTAIN WORKERS' COMPENSATION
19 INSURANCE.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 11-9-411(a), concerning the effect of
25 workers' compensation payments by other insurers, is amended to add an
26 additional subdivision to read as follows:

27 (a)(1) Any benefits payable to an injured worker under this chapter
28 shall be reduced in an amount equal to, dollar-for-dollar, the amount of
29 benefits the injured worker has previously received for the same medical
30 services or period of disability, whether those benefits were paid under a
31 group health care service plan of whatever form or nature, a group disability
32 policy, a group loss of income policy, a group accident, health, or accident
33 and health policy, a self-insured employee health or welfare benefit plan, or
34 a group hospital or medical service contract.

35 (2) The reduction specified in subdivision (a)(1) of this
36 section does not apply to any benefit received from a group policy for



1 disability, if the injured worker has paid for the policy.

2

3 SECTION 2. Arkansas Code § 11-9-525(e), concerning the cessation of
4 workers' compensation for disability and second injuries, is amended to read
5 as follows:

6 (e)(1) No claims under this section shall be made on or after January
7 1, 2008.

8 (2) For all claims for permanent partial disability or permanent
9 total disability made on or after January 1, 2008, the employer at the time
10 of the employee's compensable injury is liable for such benefits subject to
11 the Workers' Compensation Law, § 11-9-101 et seq., excluding 11-9-525 (a)(1)-
12 (d)(2).

13

14 SECTION 3. Arkansas Code § 11-9-525, concerning workers' compensation
15 for disability and second injuries, is amended to add an additional
16 subsection to read as follows:

17 (f)(1) A claimant who has been deemed permanently totally disabled and
18 IS currently receiving benefits from the Second Injury Trust Fund as of
19 December 31, 2009, shall receive those benefits from the Death and Permanent
20 Total Disability Trust Fund commencing January 1, 2010.

21 (2) For all claims pending against the Second Injury Trust Fund
22 on and after January 1, 2010, if a claimant becomes eligible to receive
23 benefits for permanent total disability from the Second Injury Fund, then
24 upon completion of payment by the employer of its obligation under
25 subdivision (b)(5) of this section, the claimant shall be paid the remainder
26 of the compensation that would be due for permanent total disability from the
27 Death and Permanent Total Disability Trust Fund.

28

29 SECTION 4. Arkansas Code § 17-25-304(a), concerning financial
30 statements required of licensed contractors, is amended to read as follows:

31 (a)(1)(A) All persons and entities required by this chapter to be
32 licensed by the Contractors Licensing Board shall transmit to the board with
33 their original applications an audited financial statement of the applicant
34 audited by a certified public accountant or registered public accountant.

35 (B) The audited financial statement required to be
36 transmitted under subdivision (a)(1)(A) of this section shall include a

1 written certified copy of current workers' compensation coverage for those
2 employers required to obtain and maintain such coverage under the Workers'
3 Compensation Law, § 11-9-101 et seq.

4 (2)(A) All persons and entities licensed by the board shall
5 transmit to the board with renewal applications a financial statement of the
6 applicant reviewed by a certified public accountant or registered public
7 accountant according to American Institute of Certified Public Accountants'
8 Professional Standards.

9 (B) The audited financial statement required to be
10 transmitted under subdivision (a)(2)(A) of this section shall include a
11 written certified copy of current workers' compensation coverage for those
12 employers required to obtain and maintain such coverage under the Workers'
13 Compensation Law, § 11-9-101 et seq.

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15 SECTION 5. Arkansas Code § 17-25-308 is amended to read as follows:
16 17-25-308. Grounds for revocation.

17 (a) The Contractors Licensing Board ~~shall have the power to~~ may revoke
18 the certificate of license of any contractor licensed under this chapter who
19 is found guilty of any fraud or deceit in obtaining a license or for aiding
20 or abetting any contractor or person to violate the provisions of this
21 chapter or for gross negligence, incompetence, or misconduct in the conduct
22 of the contractor's business.

23 (b) The Contractors Licensing Board may revoke the certificate of
24 license of a contractor licensed under this chapter who fails to obtain or
25 maintain worker's compensation covered as required under the Workers'
26 Compensation Law, § 11-9-101 et seq.