

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
4

As Engrossed: H2/5/09
A Bill

HOUSE BILL 1362

5 By: Representatives M. Burris, R. Green
6 By: Senators J. Taylor, Elliott
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10 **For An Act To Be Entitled**

11 AN ACT TO CLARIFY THE LAW REGARDING WORKERS'
12 COMPENSATION PAYMENTS; TO ENSURE THAT LICENSED
13 CONTRACTORS OBTAIN AND MAINTAIN WORKERS'
14 COMPENSATION INSURANCE; AND FOR OTHER PURPOSES.
15

16 **Subtitle**

17 AN ACT TO CLARIFY THE LAW REGARDING
18 WORKERS' COMPENSATION PAYMENTS AND TO
19 ENSURE THAT LICENSED CONTRACTORS OBTAIN
20 AND MAINTAIN WORKERS' COMPENSATION
21 INSURANCE.
22
23

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

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

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



1 (2) The reduction specified in subdivision (a)(1) of this
2 section does not apply to any benefit received from a group policy for
3 disability, if the injured worker has paid for the policy.

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

8 (e)(1) No claims under this section shall be made on or after January
9 1, 2008.

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

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

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

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

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

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

