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	As Engrossed: H2/5/09			
2	87th General Assembly	A Bill			
3	Regular Session, 2009		HOUSE BILL	1362	
4					
5	By: Representatives M. Burris, R. Green				
6	By: Senators J. Taylor, Elliott				
7					
8					
9					
10	For An Act To Be Entitled				
11	AN ACT TO (CLARIFY THE LAW REGARDING WORKERS'			
12	COMPENSATIO	ON PAYMENTS; TO ENSURE THAT LICENS	ED		
13	CONTRACTORS	S OBTAIN AND MAINTAIN WORKERS'			
14	COMPENSATIO	ON INSURANCE; AND FOR OTHER PURPOS	ES.		
15					
16		Subtitle			
17	AN ACT	TO CLARIFY THE LAW REGARDING			
18	WORKERS	' COMPENSATION PAYMENTS AND TO			
19	ENSURE 1	THAT LICENSED CONTRACTORS OBTAIN			
20	AND MAIN	NTAIN WORKERS' COMPENSATION			
21	INSURANC	CE.			
22					
23					
24	BE IT ENACTED BY THE GENE	ERAL ASSEMBLY OF THE STATE OF ARKA	NSAS:		
25					
26	SECTION 1. Arkansa	as Code § 11-9-411(a), concerning	the effect of		
27	workers' compensation pay	ments by other insurers, is amend	ed to add an		
28	additional subdivision to	read as follows:			
29	(a)(1) Any benefit	ts payable to an injured worker un	der this chapte	r	
30	shall be reduced in an am	nount equal to, dollar-for-dollar,	the amount of		
31	benefits the injured work	ker has previously received for th	e 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 i	income policy, a group accident, h	ealth, or accid	ent	
35	and health policy, a self	f-insured employee health or welfa	re benefit plan	, or	
36	a group hospital or medic	eal service contract.			

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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 disability, if the injured worker has paid for the policy. 3 4 SECTION 2. Arkansas Code § 11-9-525(e), concerning the cessation of 5 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 the Workers' Compensation Law, § 11-9-101 et seq., excluding 11-9-525 (a)(1)-13 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 subsection to read as follows: 18 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 on and after January 1, 2010, if a claimant becomes eligible to receive 24 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.

1	(B) The audited financial statement required to be		
2	transmitted under subdivision (a)(1)(A) of this section shall include a		
3	written certified copy of current workers' compensation coverage for those		
4	employers required to obtain and maintain such coverage under the Workers'		
5	Compensation Law, § 11-9-101 et seq.		
6	(2) $\underline{(A)}$ All persons and entities licensed by the board shall		
7	transmit to the board with renewal applications a financial statement of the		
8	applicant reviewed by a certified public accountant or registered public		
9	accountant according to American Institute of Certified Public Accountants'		
10	Professional Standards.		
11	(B) The audited financial statement required to be		
12	transmitted under subdivision (a)(2)(A) of this section shall include a		
13	written certified copy of current workers' compensation coverage for those		
14	employers required to obtain and maintain such coverage under the Workers'		
15	Compensation Law, § 11-9-101 et seq. and § 17-25-514.		
16			
17	SECTION 5. Arkansas Code § 17-25-308 is amended to read as follows:		
18	17-25-308. Grounds for revocation.		
19	(a) The Contractors Licensing Board shall have the power to may revoke		
20	the certificate of license of any contractor licensed under this chapter who		
21	is found guilty of any fraud or deceit in obtaining a license or for aiding		
22	or abetting any contractor or person to violate the provisions of this		
23	chapter or for gross negligence, incompetence, or misconduct in the conduct		
24	of the contractor's business.		
25	(b) The Contractors Licensing Board may revoke the certificate of		
26	license of a contractor licensed under this chapter who fails to obtain or		
27	maintain worker's compensation covered as required under the Workers'		
28	Compensation Law, § 11-9-101 et seq. and § 17-25-514.		
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30	/s/ M. Burris		
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