

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 H2/13/09 H2/23/09

A Bill

HOUSE BILL 1362

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

11 AN ACT TO CLARIFY THE LAW REGARDING WORKERS'
12 COMPENSATION PAYMENTS UNDER THE WORKER'S
13 COMPENSATION LAW THAT RESULTED FROM INITIATED ACT
14 4 of 1948; TO ENSURE THAT LICENSED CONTRACTORS
15 OBTAIN AND MAINTAIN WORKERS' COMPENSATION
16 INSURANCE; AND FOR OTHER PURPOSES.
17

Subtitle

18 AN ACT TO CLARIFY THE LAW REGARDING
19 WORKERS' COMPENSATION PAYMENTS THAT
20 RESULTED FROM INITIATED ACT 4 of 1948
21 AND TO ENSURE THAT LICENSED CONTRACTORS
22 OBTAIN AND MAINTAIN WORKERS'
23 COMPENSATION INSURANCE.
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26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 11-9-411(a), concerning the effect of
30 workers' compensation payments by other insurers, is amended to add an
31 additional subdivision to read as follows:

32 (a)(1) Any benefits payable to an injured worker under this chapter
33 shall be reduced in an amount equal to, dollar-for-dollar, the amount of
34 benefits the injured worker has previously received for the same medical
35 services or period of disability, whether those benefits were paid under a
36 group health care service plan of whatever form or nature, a group disability



1 policy, a group loss of income policy, a group accident, health, or accident
2 and health policy, a self-insured employee health or welfare benefit plan, or
3 a group hospital or medical service contract.

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

7
8 *SECTION 2. Arkansas Code § 11-9-525(e) that resulted from Initiated*
9 *Act 4 of 1948, concerning the cessation of workers' compensation for*
10 *disability and second injuries, is amended to read as follows:*

11 (e)(1) No claims under this section shall be made on or after January
12 1, 2008.

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

18
19 *SECTION 3. Arkansas Code § 11-9-525 that resulted from Initiated Act 4*
20 *of 1948, concerning workers' compensation for disability and second injuries,*
21 *is amended to add an additional subsection to read as follows:*

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

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

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34 *SECTION 4. Arkansas Code § 17-25-308 is amended to read as follows:*
35 17-25-308. Grounds for revocation.

36 (a) The Contractors Licensing Board shall have the power to may revoke

1 the certificate of license of any contractor licensed under this chapter who
2 is found guilty of any fraud or deceit in obtaining a license or for aiding
3 or abetting any contractor or person to violate the provisions of this
4 chapter or for gross negligence, incompetence, or misconduct in the conduct
5 of the contractor's business.

6 (b) The Contractors Licensing Board may revoke the certificate of
7 license of a contractor licensed under this chapter who fails to obtain or
8 maintain worker's compensation covered as required under the Workers'
9 Compensation Law, § 11-9-101 et seq. and § 17-25-514.

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11 SECTION 5. Arkansas Code Title 17, Chapter 25, Subchapter 1 is amended
12 to add an additional section to read as follows:

13 17-25-316. Workers' compensation coverage required.

14 (a) A contractor required to be licensed by the Contractors Licensing
15 Board shall obtain and maintain workers' compensation coverage as required
16 under the Workers' Compensation Law, § 11-9-101 et seq.

17 (b) The board shall require proof of current workers' compensation
18 coverage before issuing or renewing a license to a contractor required to
19 have workers' compensation coverage under § 11-9-101 et seq.

20 (c)(1) If a contractor fails to maintain workers' compensation
21 coverage or fails to maintain proof of current workers' compensation coverage
22 on file with the board, the board may revoke or suspend the contractor's
23 license.

24 (2) A contractor's license that has been revoked or suspended
25 due to failure to maintain workers' compensation coverage may be reinstated
26 upon receipt by the board of proof that the contractor has secured workers'
27 compensation coverage.

28 (d) The board shall promulgate rules necessary to enforce this section.
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30 /s/ M. Burris
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