

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: H2/11/09 H3/9/09

A Bill

HOUSE BILL 1383

5 By: Representative Nickels
6 By: Senator Elliott
7
8

For An Act To Be Entitled

9
10 AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD
11 TO IMPOSE CIVIL PENALTIES OR SUSPEND OR REVOKE
12 THE CERTIFICATE OF LICENSE FOR A CONTRACTOR WHO
13 IS FOUND TO KNOWINGLY EMPLOY WORKERS WITHOUT
14 LEGAL STATUS EITHER DIRECTLY OR THROUGH A
15 SUBCONTRACTOR; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 AN ACT TO ALLOW THE CONTRACTORS
19 LICENSING BOARD TO TAKE ACTION AGAINST A
20 CONTRACTOR FOR KNOWINGLY EMPLOYING
21 WORKERS WITHOUT LEGAL STATUS.
22

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

25 SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3 is amended
26 to add a new section to read as follows:

27 17-25-316. Workers without legal status – Prohibition.

28 (a) As used in this section, "worker without legal status" means any
29 person not a citizen of the United States who has:

30 (1) Entered the United States in violation of the federal
31 Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., or regulations
32 issued under the act;

33 (2) Legally entered the United States but without the right to
34 be employed in the United States; or

35 (3) Legally entered the United States subject to a time limit
36 but has remained illegally after expiration of the time limit.



1 (b)(1) If after notice and hearing, a contractor licensed under this
2 chapter is found by the Contractors Licensing Board to knowingly employ
3 workers without legal status either directly or through a subcontractor, the
4 board may:

5 (A) Impose civil penalties against the contractor in an
6 amount not to exceed two hundred dollars (\$200) per day for each day the
7 violation continues;

8 (B) Suspend the contractor's certificate of license; or

9 (C) Revoke the contractor's certificate of license.

10 (2) A contractor shall not be found to knowingly employ workers
11 without legal status if the contractor uses the federal E-verify system to
12 verify the legal status of employees. Use of the federal E-verify system is
13 an affirmative defense under this section.

14 (c) The board shall promulgate rules necessary to carry out the
15 provisions of this section.

16
17 /s/ Nickels
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36