

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 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1013

5 By: Representative Nickels
6

For An Act To Be Entitled

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

15 AN ACT TO ALLOW THE CONTRACTORS LICENSING
16 BOARD TO TAKE ACTION AGAINST A CONTRACTOR
17 FOR KNOWINGLY EMPLOYING WORKERS WITHOUT
18 LEGAL STATUS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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.

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