

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

As Engrossed: H1/12/11 H2/1/11

A Bill

HOUSE BILL 1013

5 By: Representative Nickels
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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 A *WORKER* WITHOUT LEGAL
12 *AUTHORIZATION TO WORK IN THE UNITED STATES* EITHER
13 DIRECTLY OR THROUGH A SUBCONTRACTOR; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 AN ACT TO ALLOW THE CONTRACTORS LICENSING
19 BOARD TO TAKE ACTION AGAINST A CONTRACTOR
20 FOR KNOWINGLY EMPLOYING A *WORKER* WITHOUT
21 LEGAL *AUTHORIZATION TO WORK IN THE UNITED*
22 *STATES*.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3 is amended
28 to add a new section to read as follows:

29 17-25-317. Workers without legal authorization to work in the United
30 States – Prohibition.

31 (a) As used in this section, "worker without legal authorization to
32 work in the United States" means an individual who cannot present valid and
33 appropriate documentation evidencing both identity and authorization to work
34 as required by Federal Form 1-9 as existing on January 1, 2011, and using the
35 applicable regulations, standards, and guidelines of Federal Form 1-9 as
36 existing on January 1, 2011.



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 a
3 worker without legal authorization to work in the United States either
4 directly or through a subcontractor, the board may:

5 (A) Suspend the contractor's certificate of license; or

6 (B) Revoke the contractor's certificate of license.

7 (2) A contractor shall not be found to have knowingly employed a
8 worker without legal authorization to work in the United States if the
9 contractor uses the federal E-verify system to verify the legal status of all
10 persons offered employment by the contractor. Use of the federal E-verify
11 system is an affirmative defense under this section.

12 (c) A contractor shall not be liable through a subcontractor under
13 this section if the contractor and subcontractor agree in writing that the
14 subcontractor shall be responsible for verifying through the federal E-verify
15 system that each worker employed by the subcontractor is legally authorized
16 to work in the United States.

17 (d) The board shall promulgate rules necessary to carry out the
18 provisions of this section.

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21 /s/Nickels
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