

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H1/12/11 H2/1/11 H2/3/11

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 *SUSPEND OR REVOKE THE CERTIFICATE OF LICENSE FOR A*
10 *CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER*
11 *WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED*
12 *STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR;*
13 *AND FOR OTHER PURPOSES.*

Subtitle

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17 *AN ACT TO ALLOW THE CONTRACTORS LICENSING*
18 *BOARD TO TAKE ACTION AGAINST A CONTRACTOR*
19 *FOR KNOWINGLY EMPLOYING A WORKER WITHOUT*
20 *LEGAL AUTHORIZATION TO WORK IN THE UNITED*
21 *STATES.*

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3 is amended
27 to add a new section to read as follows:

28 17-25-317. Workers without legal authorization to work in the United
29 States – Prohibition.

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

36 (b)(1) If after notice and hearing, a contractor licensed under this



1 chapter is found by the Contractors Licensing Board to knowingly employ a
2 worker without legal authorization to work in the United States either
3 directly or through a subcontractor, the board may:

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

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

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