

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

A Bill

HOUSE BILL 2212

4
5 By: Representative Powers

For An Act To Be Entitled

8 AN ACT TO REGULATE MOTOR CARRIERS IN RELATION TO
9 WORKERS' COMPENSATION LAWS; AND FOR OTHER PURPOSES.

Subtitle

12 TO REGULATE MOTOR CARRIERS IN RELATION TO
14 WORKERS' COMPENSATION LAWS.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 11, Chapter 9, Subchapter 4 is amended
20 to add an additional section to read as follows:

21 11-9-412. Motor carrier drivers.

22 (a) As used in this section:

23 (1)(A) "Commercial motor vehicle" means a motor vehicle or
24 combination of motor vehicles used in commerce to transport passengers or
25 property if the motor vehicle:

26 (i) Has a gross combination weight rating of twenty-
27 six thousand one pounds (26,001 lbs.) or more inclusive of a towed unit with
28 a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs.);

29 (ii) Has a gross vehicle weight rating of twenty-six
30 thousand one pounds (26,001 lbs.) or more;

31 (iii) Is designed to transport sixteen (16) or more
32 passengers, including the driver; or

33 (iv) Is of a size and is used in the transportation
34 of materials found to be hazardous, as a result of which the motor vehicle is
35 required to be placarded under the Hazardous Materials Regulations, 49 C.F.R.
36 part 172, subpart F.



1 (B) "Commercial motor vehicle" includes a self-propelled
2 or towed vehicle used on public highways in interstate commerce to transport
3 passengers or property when:

4 (i) Out-of-service orders are involved;

5 (ii) The vehicle has a gross vehicle weight rating
6 or gross combination weight rating of ten thousand one pounds (10,001 lbs) or
7 more; or

8 (iii) The vehicle is used in the transportation of
9 hazardous materials in a quantity requiring placarding under regulations
10 issued by the Secretary of Transportation under the Hazardous Materials
11 Transportation Act, 49 U.S.C. § 5101 et seq.;

12 (2) "Driver" means a person who operates a commercial motor
13 vehicle;

14 (3) "Motor carrier" means a person, partnership, corporation, or
15 limited liability company that provides truck transportation; and

16 (4) "Owner-operator" means a person, partnership, corporation,
17 or limited liability company that owns or holds under a bona fide lease a
18 commercial motor vehicle that is provided to a motor carrier.

19 (b)(1) Notwithstanding any other law, an owner-operator that provides a
20 commercial motor vehicle and the services of a driver to a motor carrier
21 under a written contract is not an employee of the motor carrier but is an
22 independent contractor of the motor carrier.

23 (2) The motor carrier shall not be liable for any compensation
24 required by this chapter to the owner-operator, its employees, or
25 subcontractors.

26 (3) The owner-operator may elect to be covered and have drivers
27 of its motor carriers covered under a workers' compensation insurance policy
28 or authorized self-insurance plan that insures the motor carrier if:

29 (A) The election by the owner-operator is made in writing
30 as part of a written contract between the owner-operator and the motor
31 carrier; and

32 (B) The owner-operator pays the premiums as requested by
33 the motor carrier.

34 (4) An election by the owner-operator to be covered and have its
35 drivers covered under a workers' compensation insurance policy or authorized
36 self-insurance plan shall not terminate the drivers' independent contractor

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