

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

SENATE BILL 1089

4  
5 By: Senator J. Woods  
6 By: Representative Nickels  
7

## For An Act To Be Entitled

8  
9 AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO  
10 SUSPEND OR REVOKE THE CERTIFICATE OF LICENSE FOR A  
11 CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER  
12 WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED  
13 STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR;  
14 AND FOR OTHER 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, if allowed by law, to verify the  
10 legal status of all persons offered employment by the contractor. Use of the  
11 federal E-verify system, if allowed by law, is an affirmative defense under  
12 this section.

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

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