

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/29/17

A Bill

SENATE BILL 635

5 By: Senator J. Hutchinson
6 *By: Representative Jett*
7

For An Act To Be Entitled

9 AN ACT TO EXEMPT OWNER-OPERATORS AND CONTRACTED
10 DRIVERS OF MOTOR VEHICLES FROM THE DEFINITION OF
11 "EMPLOYMENT" FOR THE DEPARTMENT OF WORKFORCE SERVICES
12 LAW; AND FOR OTHER PURPOSES.
13

Subtitle

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15 TO EXEMPT OWNER-OPERATORS AND CONTRACTED
16 DRIVERS OF MOTOR VEHICLES FROM THE
17 DEFINITION OF "EMPLOYMENT" FOR THE
18 DEPARTMENT OF WORKFORCE SERVICES LAW.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 11-10-210(f), concerning the definition of
25 "employment" for the Department of Workforce Services Law, is amended to add
26 an additional subdivision as follows:

27 (23)(A) Service performed by an owner-operator that provides a
28 motor vehicle and the services of a driver to a motor carrier under a written
29 contract.

30 (B) An employee or agent of the owner-operator shall not
31 be considered an employee of the motor carrier for purposes of employment
32 security taxation or compensation.

33 (C) This subdivision (f)(23) does not apply if:

34 (i) The service constitutes employment performed by
35 an employee under the Federal Unemployment Tax Act; or

36 (ii) The owner-operator is a state or local



1 government entity or federally recognized Indian tribe as described in 26
2 U.S.C. § 3306(c)(7) or a nonprofit organization as described in 26 U.S.C. §
3 3309(a)(1).

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5 *SECTION 2. DO NOT CODIFY. Effective date.*

6 *Section 1 of this act becomes effective on January 1, 2018.*

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9 /s/J. Hutchinson

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