

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 802

By: Senator D. Sanders
By: Representative Murdock

For An Act To Be Entitled

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

Subtitle

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

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

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

11-9-412. Motor carrier drivers.

(a) As used in this section:

(1) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property;

(2) "Driver" means a person, including but not limited to a member of a team, who operates a commercial motor vehicle;

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

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

(b)(1) Notwithstanding any other law, an owner-operator that provides a commercial motor vehicle and the services of one or more drivers to a motor carrier under a written contract, and each driver so provided, is not an



employee of the motor carrier but is an independent contractor of the motor carrier.

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

(3) An owner-operator that is under exclusive contract to the motor carrier may elect to secure coverage for the owner-operator and for one or more drivers of the owner-operator through a workers' compensation insurance policy or authorized self-insurance plan that insures the motor carrier if:

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

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

(4) An owner-operator's election, whether or not under subdivision (b)(3) of this section, to be covered and to have one or more of its drivers covered under a workers' compensation insurance policy or authorized self-insurance plan shall not terminate or otherwise affect the independent-contractor status of the owner-operator or of any of its drivers.

APPROVED: 04/12/2013