

Stricken language would be deleted from and underlined language would be added to present law.
Act 945 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/20/15
A Bill

HOUSE BILL 1540

By: Representatives Lundstrum, *Ballinger, Bentley, Boyd, Bragg, Branscum, Brown, Collins, Cozart, Davis, Dotson, Drown, Eads, C. Fite, V. Flowers, Gates, Gonzales, Harris, Henderson, G. Hodges, Jean, Ladyman, Lowery, Neal, Richmond, Scott, Shepherd, B. Smith, Speaks, Sullivan, Vaught, Wallace, Womack*

By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF EMPLOYMENT FOR THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF EMPLOYMENT FOR THE DEPARTMENT OF WORKFORCE SERVICES LAW.

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

SECTION 1. Arkansas Code § 11-10-210(e), concerning the definition of "employment" for the Department of Workforce Services Law, is amended to read as follows:

(e) Service performed by an individual for wages shall be deemed to be employment subject to this chapter irrespective of whether the common law relationship of master and servant exists, unless and until it is shown to the satisfaction of the director that:

(1) ~~Such~~ The individual has been and will continue to be free from control and direction in connection with the performance of the service, both under his or her contract for the performance of service *and in fact*; and

(2) (A) The service is performed either outside the usual course of the business for which the service is performed or is performed outside



all the places of business of the enterprise for which the service is performed; ~~and~~ or

~~(3)~~ (B) The individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that employers struggle to create and expand businesses in our sluggish economy; that developing the state's workforce is the most effective route to economic growth; and that this act is immediately necessary because lost time in meeting the business crisis may set Arkansas at a disadvantage in the regional economy. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Lundstrum

APPROVED: 04/02/2015