

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1115 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/29/17  
**A Bill**

SENATE BILL 635

By: Senator J. Hutchinson  
By: Representative Jett

### For An Act To Be Entitled

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

### Subtitle

TO EXEMPT OWNER-OPERATORS AND CONTRACTED  
DRIVERS OF MOTOR VEHICLES FROM 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(f), concerning the definition of "employment" for the Department of Workforce Services Law, is amended to add an additional subdivision as follows:

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

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

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

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

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



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

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

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

*/s/J. Hutchinson*

**APPROVED: 04/07/2017**