

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1227

By: Representatives Wardlaw, Boyd, M. Gray, Lundstrum, McCollum, Underwood, Warren
By: Senators L. Eads, J. English, T. Garner, Gilmore, Hester, B. Sample

For An Act To Be Entitled

AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS; TO AMEND THE SECTION REGARDING RELIEF FROM LIABILITY FOR EMPLOYERS; TO AMEND PORTIONS OF THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS IMPACTING THE LAW RESULTING FROM INITIATED ACT 5 OF 2018; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS; AND TO AMEND THE SECTION REGARDING RELIEF FROM LIABILITY FOR EMPLOYERS THAT IMPACTS PORTIONS OF THE LAW RESULTING FROM INITIATED ACT 5 OF 2018.

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

SECTION 1. Arkansas Code § 11-4-221(a), concerning relief from liability for failure to pay minimum wage or overtime compensation and as affected by Initiated Act 5 of 2018, is amended to read as follows:

(a) Except as provided in subsection (b) of this section, an employer is not subject to liability under this subchapter, on account of the failure of the employer to pay an employee minimum wages or to pay an employee overtime compensation, for or on account of any of the following activities of the employee:

(1) Walking, riding, or traveling to and from the actual place



of performance of the principal activity or activities which the employee is employed to perform; ~~and~~

(2)(A) An activity that is preliminary to or postliminary to the principal activity or activities, which occurs either before the time on any particular workday at which the employee commences or subsequent to the time on any particular workday at which he or she ceases the principal activity or activities.

(B) For purposes of subdivision (a)(2)(A) of this section, the use of an employer's vehicle for travel by an employee and activities performed by an employee that are incidental to the use of the vehicle for commuting shall not be considered part of the employee's principal activities if the use of the vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of the employee; ~~and~~

(3) For an employee of a motor carrier employed in a driving capacity, in addition to those activities listed in subdivisions (a)(1) and (2) of this section, an activity that occurs while the employee is:

(A) Traveling to or from a personal residence;

(B) Engaging in a personal activity that is not primarily in furtherance of the employer's business; or

(C) Logging time as "off-duty" or "sleeper berth".

APPROVED: 2/9/21