

Stricken language would be deleted from and underlined language would be added to present law.
Act 687 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/15/23 S3/27/23
A Bill

SENATE BILL 390

By: Senators C. Penzo, G. Leding, C. Tucker, J. Bryant

By: Representative Burkes

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING CHILD LABOR; TO INCREASE THE AMOUNT OF CIVIL PENALTIES FOR VIOLATIONS; TO EXTEND THE TIME FOR ASSESSMENTS OF CIVIL PENALTIES BY THE DIRECTOR OF THE DIVISION OF LABOR; TO ESTABLISH CRIMINAL PENALTIES; TO ESTABLISH PENALTIES FOR HINDERING INVESTIGATIONS; *TO CLARIFY THE LAW REGARDING WORKERS' COMPENSATION RELATED TO CHILD LABOR RESULTING FROM INITIATED ACT 4 OF 1948; AND FOR OTHER PURPOSES.*

Subtitle

TO AMEND THE CIVIL PENALTIES AND ESTABLISH CRIMINAL PENALTIES RELATED TO CHILD LABOR VIOLATIONS; AND TO CLARIFY THE WORKERS' COMPENSATION LAW RELATED TO CHILD LABOR RESULTING FROM INITIATED ACT 4 OF 1948.

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

SECTION 1. Arkansas Code § 11-6-103(a)(1), concerning the civil penalty related to child labor violations, is amended to read as follows:

(a)(1) Any person, firm, corporation, partnership, association, parent, guardian, or custodian who employs or permits or suffers any child to be employed or to work in violation of this subchapter or §§ 11-12-101 – 11-12-105, or any rules issued thereunder, shall be subject to a civil penalty



of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) and not more than ~~one five thousand dollars (\$1,000)~~ (\$5,000) for each violation.

SECTION 2. Arkansas Code § 11-6-103(f), concerning the length of time for the assessment of a civil penalty related to child labor violations, is amended to read as follows:

(f) Assessment of a civil penalty by the director shall be made no later than ~~two (2)~~ three (3) years from the date of the occurrence of the violation.

SECTION 3. Arkansas Code § 11-6-103, concerning the penalties and disposition of fines related to child labor violations, is amended to add additional subsections to read as follows:

(h)(1) In addition to the civil penalties provided for in subsection (a) of this section, an employer who knowingly violates this subchapter is, upon conviction, guilty of a Class C misdemeanor.

(2) Upon a second or subsequent conviction, the employer is guilty of a Class B misdemeanor.

(i)(1) In addition to the civil penalties provided for in subsection (a) of this section and the criminal penalties provided for in subsection (h) of this section, an employer who knowingly violates this subchapter and the violation results in a serious physical injury to or death of a minor is, upon conviction, guilty of a Class A misdemeanor.

(2) Upon a second or subsequent conviction, the employer is guilty of a Class C felony.

(j) An employer that willfully engages in any of the following actions is in violation of this subchapter and subject to a civil penalty of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) for each violation:

(1) Hinders or delays the director or his or her authorized representative in the performance of his or her duties in the enforcement of this subchapter; and

(2) Falsifies records related to child labor.

(k) As used in this section, "employer" means every person, firm, corporation, partnership, stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place

of employment, or of any employee.

SECTION 4. Arkansas Code § 11-9-504(a), concerning additional compensation related to the injury to or death of an illegally employed minor resulting from Initiated Act 4 of 1948, is amended to read as follows:

(a) Where an injury or death is sustained by a minor employed in violation of federal or state statutes pertaining to minimum ages for employment of minors, including without limitation § 11-6-101 et seq., compensation or death benefits provided for by this chapter shall be doubled.

/s/C. Penzo

APPROVED: 4/11/23