

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1682

By: Representatives Cozart, D. Altes, Barnett, Davis, Murdock, Womack
By: Senator Files

For An Act To Be Entitled

AN ACT TO REMOVE PROOF OF FREEDOM FROM CONTROL FROM THE EXCEPTIONS TO THE DEFINITION OF EMPLOYEE FOR THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE PROOF OF FREEDOM FROM CONTROL FROM THE EXCEPTIONS TO THE DEFINITION OF EMPLOYEE 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 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;~~

~~(2)~~(1) The service is performed either outside the usual course of the business for which the service is performed or is performed outside of all the places of business of the enterprise for which the service is



performed; and

~~(3)~~(2) 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.