

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

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/13/13
A Bill

SENATE BILL 1089

By: Senator J. Woods
By: Representative Nickels

For An Act To Be Entitled

AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO SUSPEND OR REVOKE THE CERTIFICATE OF LICENSE FOR A CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO TAKE ACTION AGAINST A CONTRACTOR FOR KNOWINGLY EMPLOYING A WORKER WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED STATES.

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

SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3 is amended to add a new section to read as follows:

17-25-317. Workers without legal authorization to work in the United States – Prohibition.

(a) As used in this section, "worker without legal authorization to work in the United States" means an individual who cannot present valid and appropriate documentation evidencing both identity and authorization to work as required by Federal Form 1-9 as existing on January 1, 2013, and using the applicable regulations, standards, and guidelines of Federal Form 1-9 as existing on January 1, 2013.



(b)(1) If after notice and hearing, a contractor licensed under this chapter is found by the Contractors Licensing Board to knowingly employ a worker without legal authorization to work in the United States either directly or through a subcontractor, the board may:

(A) Suspend the contractor's certificate of license; or

(B) Revoke the contractor's certificate of license.

(2) A contractor shall not be found to have knowingly employed a worker without legal authorization to work in the United States if the contractor uses the federal E-verify system, if allowed by law, to verify the legal status of all persons offered employment by the contractor. Use of the federal E-verify system, if allowed by law, is an affirmative defense under this section.

(c) A contractor shall not be liable through a subcontractor under this section if the contractor and subcontractor agree in writing that the subcontractor shall be responsible for verifying through the federal E-verify system, if allowed by law, that each worker employed by the subcontractor is legally authorized to work in the United States.

(d) The board shall promulgate rules necessary to carry out the provisions of this section.

/s/J. Woods