

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S3/29/17  
**A Bill**

SENATE BILL 760

By: Senator D. Sanders  
By: Representative Collins

### For An Act To Be Entitled

*AN ACT TO CLARIFY THE LAW REGARDING FINAL SETTLEMENTS  
OF WORKERS' COMPENSATION CLAIMS INVOLVING JOINT  
PETITIONS UNDER THE WORKERS' COMPENSATION LAW THAT  
RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND FOR  
OTHER PURPOSES.*

### Subtitle

*TO CLARIFY FINAL SETTLEMENTS OF WORKERS'  
COMPENSATION CLAIMS INVOLVING JOINT  
PETITIONS UNDER THE WORKERS' COMPENSATION  
LAW THAT RESULTED FROM INITIATED MEASURE  
1948, NO. 4.*

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

*SECTION 1. Arkansas Code § 11-9-805 is amended to read as follows:  
11-9-805. Joint petition for final settlement.*

*(a)(1) ~~Upon~~ Except as provided in subdivision (a)(2) of this section,  
upon petition filed by the employer or carrier and the injured employee  
requesting that a final settlement be had between the parties, the Workers'  
Compensation Commission shall hear the petition and take testimony and make  
investigations as may be necessary to determine whether a final settlement  
should be had.*

*(2)(A) If a claimant has been determined to be eligible for  
Medicare, the parties may petition the commission for a partial settlement of  
all issues other than future medical treatment.*



(B) A partial settlement under subdivision (a)(2) of this section is final concerning all issues except future medical treatment.

(b)(1)(A) If the commission decides ~~it is for~~ that a final settlement award is in the best interests of the ~~claimant that a final award be made, it~~ parties, the commission may order an award that ~~shall be~~ is final as to concerning the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any full settlement, the commission does not have jurisdiction over any claim for the same injury or any results arising from it.

(2)(A) Thereafter, the commission shall not have jurisdiction over any claim for the same injury or any results arising from it. If the commission decides that a partial settlement award is in the best interests of the parties, the commission may order an award that is final concerning the partial settlement of the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any partial settlement, the commission does not have jurisdiction over any claim for the same injury or any results arising from it other than claims for future medical expenses.

(c) If an employee has returned to work or agreed to return to work, the commission shall not approve a joint petition which has allotted moneys for vocational rehabilitation or any indemnity benefits in excess of that payable as an anatomical impairment as established by objective and measurable findings.

(d) If the commission denies the petition, the denial shall be without prejudice to either party.

(e) ~~No~~ An appeal shall not lie from an order or award denying or approving a joint petition.

/s/D. Sanders