

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 235

By: Senator J. Boyd
By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO CREATE THE VOLUNTARY PORTABLE BENEFIT
ACCOUNT ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE VOLUNTARY PORTABLE BENEFIT
ACCOUNT ACT.

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

SECTION 1. Arkansas Code Title 11, Chapter 4, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Voluntary Portable Benefit Account Act

11-4-701. Title.

This subchapter shall be known and may be cited as the "Voluntary Portable Benefit Account Act".

11-4-702. Definitions.

As used in this subchapter:

(1)(A) "Bank" means a state bank or a national bank or an out-of-state state-chartered bank that has received a certificate of authority under § 23-48-1001.

(B) "Bank" shall also include any foreign bank organized under the laws of a territory of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, the deposits of which are insured by the Federal Deposit Insurance Corporation;



(2) "Hiring party" means a person who hires or enters into a contract with an independent contractor;

(3)(A) "Voluntary portable benefit account" means an account that is:

(i) Opened by an independent contractor to fund the purchase of one (1) or more benefit plans;

(ii) Administered by a voluntary portable benefit account provider; and

(iii) Assigned to a beneficiary of one (1) or more benefit plans rather than to an employer or hiring party.

(B) "Voluntary portable benefit plan" includes without limitation:

(i) Health insurance;

(ii) Income replacement insurance;

(iii) Life insurance; and

(iv) Retirement benefits; and

(4) "Voluntary portable benefit account provider" means the administrator of a voluntary portable benefit account and includes:

(A) A bank;

(B) An investment management firm;

(C) A technology provider or program manager that offers services through a bank or investment management firm; or

(D) Any other person who demonstrates to the satisfaction of the Bank Commissioner that the manner in which the bank or person will administer the voluntary portable benefit account will be consistent with the voluntary portable benefit account requirements under this subchapter.

11-4-703. Voluntary portable benefit account.

(a)(1) A person or entity, including an independent contractor or an internet- or application-based company, may voluntarily contribute funds to a voluntary portable benefit account for an independent contractor.

(2) Employment status as an independent contractor shall be determined by the employment status factors set out in the Empower Independent Contractors Act of 2019, § 11-1-201 et seq.

(3) A contribution to a voluntary portable benefit account shall not be used as a criterion for determining a worker's employment

classification.

(b) A contribution to a voluntary portable benefit account may be made using the funds of the hiring party or a percentage of funds withheld from compensation owed to an independent contractor if:

(1) The withholding of compensation is expressly agreed to in writing;

(2) The written agreement is clear, unambiguous, and prominently displayed either in a work contract or a separate notice;

(3) The withholdings are voluntary and require an independent contractor to opt in; and

(4) An independent contractor may choose to opt out of the agreement in subdivision (b)(2) of this section at any time.