Title 23. Public Utilities and Regulated Industries
Chapter I. State Insurance Department, Department of Commerce
Subchapter C. Property and Casualty
Part 203. Arkansas Workers' Compensation Insurance Plan
Subpart 1. Generally

23 CAR § 203-201. Purpose.

(a) The purpose of this part is to implement the mandatory workers' compensation insurance plan, known as the Arkansas Workers' Compensation Insurance Plan, as established in Arkansas Code § 23-67-301 et seq.

(b) The Arkansas Workers' Compensation Insurance Plan will assure coverage for employers who are in good faith entitled to, but unable to procure, workers' compensation insurance in this state.

23 CAR § 203-202. Arkansas Workers' Compensation Insurance Plan – Operation and regulation.

(a)(1) The operation and regulation of the Arkansas Workers' Compensation Insurance Plan shall be the responsibility of the Insurance Commissioner.

(2) The commissioner may delegate all or any part of his or her responsibility to establish and operate the plan in accordance with the Arkansas Workers' Compensation Insurance Plan, Arkansas Code § 23-67-301 et seq.

(3) A third party designated by the commissioner to develop and administer the plan shall prepare and submit such plan, and any amendments thereto, to the commissioner for approval.

(b) The plan shall provide for the equitable apportionment among insurers of applicants for workers' compensation insurance who are in good faith eligible for, but are unable to procure, such insurance through ordinary methods.

(c) The plan shall provide:

(1) Reasonable rules governing the random and equitable distribution of employers and their assignment to insurers;

(2) A method whereby applicants for insurance, insureds, and insurers may have a hearing on grievances; and

(3) A right to appeal the outcome of the hearing to the commissioner.

(d) When the plan, and any amendments thereto, have been approved by the commissioner and become effective, no insurer that does not participate in the plan shall thereafter:

(1) Issue a policy of workers' compensation insurance; or

(2) Undertake to transact workers' compensation business in this state.