

FIRST REGULAR SESSION

HOUSE BILL NO. 288

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM.

0950L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 287.804, RSMo, and to enact in lieu thereof one new section relating to the waiver of workers' compensation benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 287.804, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.804, to read as follows:

- 287.804. 1. An employee may file an application with the division of workers' compensation to be excepted from the provisions of this chapter in respect to certain employees. The application shall include a written waiver by the employee of all benefits under this chapter and an affidavit by the employee and employer, that the employee and employer are members of a recognized religious sect or division, as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to acceptance of benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including the benefits of any insurance system established under the Federal Social Security Act, 42 U.S.C. 301 to 42 U.S.C. 1397jj.
2. **Notwithstanding any provision of law to the contrary, a general contractor shall not be required to provide benefits under this chapter to a subcontractor and a subcontractor's employee if such employee has waived workers' compensation benefits and the subcontractor and employee have met the requirements under subsection 1 of this section.**
3. The waiver and affidavit required by subsection 1 of this section shall be made upon a form to be provided by the division of workers' compensation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 [3.] **4.** An exception granted in regard to a specific employee shall continue to be valid
18 until such employee rescinds the prior rejection of coverage or the employee or sect ceases to
19 meet the requirements of subsection 1 of this section.

20 [4.] **5.** Any rejection pursuant to subsection 1 of this section shall be prospective in
21 nature and shall entitle the employee only to reject such benefits that accrue on or after the date
22 the rescission form is received by the insurance company.

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