

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Lines 2 through
2 3, by deleting the words "a database for workers' compensation claims" and inserting in lieu thereof
3 the words "workers' compensation"; and
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5 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line
6 the following:
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8 "287.040. 1. Any person who has work done under contract on or about his premises which
9 is an operation of the usual business which he there carries on shall be deemed an employer and shall
10 be liable under this chapter to such contractor, his subcontractors, and their employees, when injured
11 or killed on or about the premises of the employer while doing work which is in the usual course of
12 his business.

13 2. The provisions of this section shall not apply to the owner of premises upon which
14 improvements are being erected, demolished, altered or repaired by an independent contractor but
15 such independent contractor shall be deemed to be the employer of the employees of his
16 subcontractors and their subcontractors when employed on or about the premises where the principal
17 contractor is doing work.

18 3. In all cases mentioned in the preceding subsections, the immediate contractor or
19 subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so
20 liable may be made parties to the proceedings on the application of any party. The liability of the
21 immediate employer shall be primary, and that of the others secondary in their order, and any
22 compensation paid by those secondarily liable may be recovered from those primarily liable, with
23 attorney's fees and expenses of the suit. Such recovery may be had on motion in the original
24 proceedings. No such employer shall be liable as in this section provided, if the employee was
25 insured by his immediate or any intermediate employer.

26 4. The provisions of this section shall not apply to:

27 (1) The relationship between a for-hire motor carrier operating within a commercial zone as
28 defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri
29 department of transportation or by the United States Department of Transportation, or any of its
30 subagencies, and an owner, as defined in subdivision (43) of section 301.010, and operator of a
31 motor vehicle; or

32 (2) An independent contractor providing application of agricultural materials used in crop
33 dusting, seeding, spraying or fertilizing operations from an aircraft."; and
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35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.

Action Taken _____ Date _____