

**HOUSE SUBSTITUTE AMENDMENT NO. \_\_\_\_\_**

**for**

**HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_**

**Offered By**

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, Section A, Line 2, by inserting after said line the following:

"287.030. 1. The word "employer" as used in this chapter shall be construed to mean:

(1) Every person, partnership, association, corporation, limited liability partnership or company, trustee, receiver, the legal representatives of a deceased employer, and every other person, including any person or corporation operating a railroad and , any public service corporation, using the service of another for pay;

(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi-corporation, or cities under special charter, or under the commission form of government;

(3) Any of the above-defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090, except that construction industry employers who erect, demolish, alter or repair improvements shall be deemed an employer for the purposes of this chapter if they have [one] three or more employees. An employee who is a member of the employer's family within the third degree of affinity or consanguinity shall be counted in determining the total number of employees of such employer.

2. Any reference to the employer shall also include his or her insurer or group self-insurer.

287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;

(3) Employment where the person employed is an inmate confined in a state prison,

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and  
2 the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county  
3 or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is  
4 intended to exempt employment where the inmate, patient or resident was hired by a state, county or  
5 municipal government agency after direct competition with persons who are not inmates, patients or  
6 residents and the compensation for the position of employment is not contingent upon or affected by  
7 the worker's status as an inmate, patient or resident;

8 (4) Except as provided in section 287.243, volunteers of a tax-exempt organization which  
9 operates under the standards of Section 501(c)(3) or Section 501(c)(19) of the federal Internal  
10 Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable  
11 and voluntary basis;

12 (5) Persons providing services as adjudicators, sports officials, or contest workers for  
13 interscholastic activities programs or similar amateur youth programs who are not otherwise  
14 employed by the sponsoring school, association of schools or nonprofit tax-exempt organization  
15 sponsoring the amateur youth programs.

16 2. Any employer exempted from this chapter as to the employer or as to any class of  
17 employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section  
18 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to the  
19 class of employees of that employer pursuant to this chapter by purchasing and accepting a valid  
20 workers' compensation insurance policy or endorsement, or by written notice to the group  
21 self-insurer of which the employer is a member. The election shall take effect on the effective date  
22 of the workers' compensation insurance policy or endorsement, or by written notice to the group  
23 self-insurer of which the employer is a member, and continue while such policy or endorsement  
24 remains in effect or until further written notice to the group self-insurer of which the employer is a  
25 member. Any such exempt employer or employer with an exempt class of employees may withdraw  
26 such election by the cancellation or nonrenewal of the workers' compensation insurance policy or  
27 endorsement, or by written notice to the group self-insurer of which the employer is a member. In  
28 the event the employer is electing out of coverage as to the employer, the cancellation shall take  
29 effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection 3  
30 of this section.

31 3. Any insurance company authorized to write insurance under the provisions of this chapter  
32 in this state shall file with the division a memorandum on a form prescribed by the division of any  
33 workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

34 4. The mandatory coverage sections of this chapter shall not apply to the employment of any  
35 member of a family owning a family farm corporation as defined in section 350.010 or to the  
36 employment of any salaried officer of a family farm corporation organized pursuant to the laws of  
37 this state, but such family members and officers of such family farm corporations may be covered  
38 under a policy of workers' compensation insurance if approved by a resolution of the board of  
39 directors. Nothing in this subsection shall be construed to apply to any other type of corporation  
40 other than a family farm corporation.

41 5. A corporation may withdraw from the provisions of this chapter, when there are no more

1 than two owners of the corporation who are also the only employees of the corporation, by filing  
2 with the division notice of election to be withdrawn. The election shall take effect and continue from  
3 the date of filing with the division by the corporation of the notice of withdrawal from liability under  
4 this chapter. Any corporation making such an election may withdraw its election by filing with the  
5 division a notice to withdraw the election, which shall take effect thirty days after the date of the  
6 filing, or at such later date as may be specified in the notice of withdrawal."; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.

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