

**HOUSE AMENDMENT NO.   2**  
**TO**  
**HOUSE AMENDMENT NO.   5**

**Offered By**

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1 AMEND House Amendment No.   5   to Senate Committee Substitute for Senate Bill No. 526  
2 Page   1   Line   5  , by deleting said line and inserting in lieu thereof the following:

3 ""287.030. 1. The word "employer" as used in this chapter shall be construed to mean:

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

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

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

20 287.035. 1. The benefits provided by this chapter resulting from work-related injuries shall  
21 apply to partners or sole proprietors, only when such partners or sole proprietors have individually  
22 elected to procure insurance policy protection for themselves against injuries sustained while in the  
23 pursuit of their vocation, profession or business.

24 2. An election by partners or sole proprietors to secure the protection of the benefits  
25 authorized by this chapter for themselves shall include their employees, if any, who are not eligible  
26 for compensation benefits except as provided by this section.

27 3. As respects the extension of benefits to employees pursuant to this section, there shall be  
28 general application of the compensation law; provided, however, section 287.030 shall be construed  
29 to encompass the limited application of this section to employers having less than [five] ten  
30 employees.

31 4. Insurers who underwrite the protection authorized by this section shall be directly and  
32 primarily liable for the benefits provided by this chapter.

33 5. It is the expressed intent of this section to allow the optional purchase of the protection for  
34 workers' injuries sustained by partners or sole proprietors, including their employees, while in the

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

1 pursuit of their vocation, profession or business. As provided in this chapter, administrative and  
2 appellate jurisdiction shall be extended in regard to disagreements between injured individuals and  
3 their insurers, but any provision of this chapter requiring an employer-employee status, where none  
4 exists, is hereby waived to accomplish the limited application of this section.

5 6. (1) This chapter shall apply to any employee who is related to a partner or sole proprietor  
6 within the third degree of affinity or consanguinity unless such employee is withdrawn by the partner  
7 or sole proprietor from the coverage of the provisions of this chapter;

8 (2) Any partner or sole proprietor who wishes to withdraw from coverage any employee set  
9 forth in subdivision (1) of this subsection from the provisions of this chapter may do so by indicating  
10 such withdrawal from coverage under the provisions of a valid workers' compensation insurance  
11 policy by listing such employees to be withdrawn. The notice of withdrawal shall be in a manner  
12 and on a form as determined by the director of the department of insurance, financial institutions and  
13 professional registration. Such form shall require a list of those family member employees to be  
14 withdrawn, as described in subdivision (1) of this subsection. The withdrawal shall take effect and  
15 continue from the effective date of the insurance policy and any endorsements thereto up until the  
16 expiration date of the insurance policy or by written notice to the group self-insurer of which the  
17 employer is a member.

18 287.120. 1. Every employer subject to the provisions of this chapter shall be liable,"; and

19  
20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.  
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24 AMENDMENT TO AMENDMENT 4280S02.05H