

SECOND REGULAR SESSION

HOUSE BILL NO. 1343

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FREDERICK.

5372L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 287.030 and 287.035, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

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

Section A. Sections 287.030 and 287.035, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 287.030 and 287.035, to read as follows:

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] **ten** 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 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.

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

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

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

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

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

14 5. It is the expressed intent of this section to allow the optional purchase of the protection
15 for workers' injuries sustained by partners or sole proprietors, including their employees, while
16 in the pursuit of their vocation, profession or business. As provided in this chapter,
17 administrative and appellate jurisdiction shall be extended in regard to disagreements between
18 injured individuals and their insurers, but any provision of this chapter requiring an
19 employer-employee status, where none exists, is hereby waived to accomplish the limited
20 application of this section.

21 6. (1) This chapter shall apply to any employee who is related to a partner or sole
22 proprietor within the third degree of affinity or consanguinity unless such employee is withdrawn
23 by the partner or sole proprietor from the coverage of the provisions of this chapter;

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

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