

FIRST REGULAR SESSION

# HOUSE BILL NO. 115

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REMOLE.

0232H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 287.090, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

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

Section A. Section 287.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.090, to read as follows:

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]~~ **26 U.S.C. Section 3508**;

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

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

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 on a charitable and voluntary basis, **including members of the board of directors of such**  
18 **organization;**

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

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

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

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

49 5. A corporation may withdraw from the provisions of this chapter[;] when there are no  
50 more than two owners of the corporation who are also the only employees of the corporation, by  
51 filing with the division notice of election to be withdrawn. The election shall take effect and  
52 continue from the date of filing with the division by the corporation of the notice of withdrawal

53 from liability under this chapter. Any corporation making such an election may withdraw its  
54 election by filing with the division a notice to withdraw the election, which shall take effect  
55 thirty days after the date of the filing, or at such later date as may be specified in the notice of  
56 withdrawal.

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