

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 613, Page 1, Section A, Line 3, by  
2 inserting after all of said section and line the following:

3  
4 "287.037. 1. Notwithstanding any other provision of law to the contrary, beginning January  
5 1, 1997, those insurance companies providing coverage pursuant to chapter 287, to a limited  
6 liability company, as defined in section 347.015, shall provide coverage for the employees of the  
7 limited liability company who are not members of the limited liability company. Members of the  
8 limited liability company, as defined in section 347.015, shall also be provided coverage pursuant to  
9 chapter 287, but such members may individually elect to reject such coverage by providing a  
10 written notice of such rejection on a form developed by the department of insurance, financial  
11 institutions and professional registration to the limited liability company and its insurer. Failure to  
12 provide notice to the limited liability company shall not be grounds for any member to claim that  
13 the rejection of such coverage is not legally effective. A member who elects to reject such coverage  
14 shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or  
15 working in the capacity of an employee of the limited liability company, at least until such time as  
16 said member provides the limited liability company and its insurer with a written notice which  
17 rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection  
18 of such coverage shall be on a form developed by the department of insurance, financial institutions  
19 and professional registration. Any rescission shall be prospective in nature and shall entitle the  
20 member only to such benefits which accrue on or after the date the notice of rescission form is  
21 received by the insurance company.

22 2. Notwithstanding any other provision of law to the contrary, beginning January 1, 2017, a  
23 shareholder of an S corporation, as defined in subsection 1 of section 143.471, with at least forty  
24 percent or greater interest in the S corporation, may individually elect to reject coverage under this  
25 chapter by providing a written notice of such rejection to the S corporation and its insurer. Failure  
26 to provide notice to the S corporation shall not be grounds for any shareholder to claim that the  
27 rejection of such coverage is not legally effective. A shareholder who elects to reject such coverage  
28 shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or  
29 working in the capacity of an employee of the S corporation, at least until such time as such  
30 shareholder provides the S corporation and its insurer with a written notice that rescinds the prior  
31 rejection of such coverage. Any rescission shall be prospective in nature and shall entitle the  
32 shareholder only to such benefits that accrue on or after the date the notice of rescission is received  
33 by the insurance company.

34 287.090. 1. This chapter shall not apply to:

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

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

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

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

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

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

19 2. Any employer exempted from this chapter as to the employer or as to any class of  
20 employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section  
21 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to  
22 the class of employees of that employer pursuant to this chapter by purchasing and accepting a valid  
23 workers' compensation insurance policy or endorsement, or by written notice to the group self-  
24 insurer of which the employer is a member. The election shall take effect on the effective date of  
25 the workers' compensation insurance policy or endorsement, or by written notice to the group self-  
26 insurer of which the employer is a member, and continue while such policy or endorsement remains  
27 in effect or until further written notice to the group self-insurer of which the employer is a member.  
28 Any such exempt employer or employer with an exempt class of employees may withdraw such  
29 election by the cancellation or nonrenewal of the workers' compensation insurance policy or  
30 endorsement, or by written notice to the group self-insurer of which the employer is a member. In  
31 the event the employer is electing out of coverage as to the employer, the cancellation shall take  
32 effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection  
33 3 of this section.

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

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

44 5. A corporation may withdraw from the provisions of this chapter, when there are no more  
45 than two owners of the corporation who are also the only employees of the corporation, by filing  
46 with the division notice of election to be withdrawn. The election shall take effect and continue  
47 from the date of filing with the division by the corporation of the notice of withdrawal from liability  
48 under this chapter. Any corporation making such an election may withdraw its election by filing

1 with the division a notice to withdraw the election, which shall take effect thirty days after the date  
2 of the filing, or at such later date as may be specified in the notice of withdrawal."; and  
3  
4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.