

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 1734, Page 1,
2 In the Title, Lines 2 and 3, by deleting the words "a database
3 for workers' compensation claims" and inserting in lieu thereof
4 the words "workers' compensation"; and
5

6 Further amend said bill, Page 1, Section A, Line 2, by
7 inserting after all of said line the following:

8 "287.030. 1. The word "employer" as used in this chapter
9 shall be construed to mean:

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

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

22 (3) Any of the above-defined employers must have ~~five~~ ten
23 or more employees to be deemed an employer for the purposes of
24 this chapter unless election is made to become subject to the
25 provisions of this chapter as provided in subsection 2 of section
26 287.090, except that construction industry employers who erect,
27 demolish, alter or repair improvements shall be deemed an
28 employer for the purposes of this chapter if they have one or

Action Taken _____ Date _____

1 more employees. An employee who is a member of the employer's
2 family within the third degree of affinity or consanguinity shall
3 be counted in determining the total number of employees of such
4 employer.

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

7 287.035. 1. The benefits provided by this chapter
8 resulting from work-related injuries shall apply to partners or
9 sole proprietors, only when such partners or sole proprietors
10 have individually elected to procure insurance policy protection
11 for themselves against injuries sustained while in the pursuit of
12 their vocation, profession or business.

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

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

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

26 5. It is the expressed intent of this section to allow the
27 optional purchase of the protection for workers' injuries
28 sustained by partners or sole proprietors, including their
29 employees, while in the pursuit of their vocation, profession or
30 business. As provided in this chapter, administrative and
31 appellant jurisdiction shall be extended in regard to
32 disagreements between injured individuals and their insurers, but
33 any provision of this chapter requiring an employer-employee
34 status, where none exists, is hereby waived to accomplish the
35 limited application of this section.

36 6. (1) This chapter shall apply to any employee who is
37 related to a partner or sole proprietor within the third degree

1 of affinity or consanguinity unless such employee is withdrawn by
2 the partner or sole proprietor from the coverage of the
3 provisions of this chapter;

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

19
20 Further amend said title, enacting clause and intersectional
21 references accordingly.