

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2438

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REMOLE.

6383H.01P

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Section A. Section 287.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.090, to read as follows: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

- 2 (1) Employment of farm labor, domestic servants in a private home, including family
3 chauffeurs, or occasional labor performed for and related to a private household;
- 4 (2) Qualified real estate agents and direct sellers as those terms are defined in Section
5 3508 of Title 26 United States Code;
- 6 (3) Employment where the person employed is an inmate confined in a state prison,
7 penitentiary or county or municipal jail, or a patient or resident in a state mental health facility,
8 and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state,
9 county or municipality having custody of said inmate, patient, or resident. Nothing in this
10 subdivision is intended to exempt employment where the inmate, patient or resident was hired
11 by a state, county or municipal government agency after direct competition with persons who are
12 not inmates, patients or residents and the compensation for the position of employment is not
13 contingent upon or affected by the worker's status as an inmate, patient or resident;
- 14 (4) Except as provided in section 287.243, volunteers of a tax-exempt organization
15 which operates under the standards of Section 501(c)(3) or Section 501(c)(19) of the federal

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.

16 Internal Revenue Code, where such volunteers are not paid wages, but provide services purely
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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