



General Assembly

February Session, 2014

***Raised Bill No. 5282***

LCO No. 1337



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING WORKERS' COMPENSATION AND SMALL BUSINESS OWNERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (9) of section 31-275 of the 2014 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2014*):

4 (9) (A) "Employee" means any person who:

5 (i) Has entered into or works under any contract of service or  
6 apprenticeship with an employer, whether the contract contemplated  
7 the performance of duties within or without the state;

8 (ii) Is a sole proprietor or business partner who accepts the  
9 provisions of this chapter in accordance with subdivision (10) of this  
10 section;

11 (iii) Is elected to serve as a member of the General Assembly of this  
12 state;

13 (iv) Is a salaried officer or paid member of any police department or  
14 fire department;

15 (v) Is a volunteer police officer, whether the officer is designated as  
16 special or auxiliary, upon vote of the legislative body of the town, city  
17 or borough in which the officer serves;

18 (vi) Is an elected or appointed official or agent of any town, city or  
19 borough in the state, upon vote of the proper authority of the town,  
20 city or borough, including the elected or appointed official or agent,  
21 irrespective of the manner in which he or she is appointed or  
22 employed. Nothing in this subdivision shall be construed as affecting  
23 any existing rights as to pensions which such persons or their  
24 dependents had on July 1, 1927, or as preventing any existing custom  
25 of paying the full salary of any such person during disability due to  
26 injury arising out of and in the course of his or her employment;

27 (vii) Is a member of the armed forces of the state while in the  
28 performance of military duty, whether paid or unpaid for such  
29 military duty, in accordance with the provisions of section 27-17, 27-18  
30 or 27-61; or

31 (viii) Is elected to serve as a probate judge for a probate district  
32 established in section 45a-2.

33 (B) "Employee" shall not be construed to include:

34 (i) Any person to whom articles or material are given to be treated  
35 in any way on premises not under the control or management of the  
36 person who gave them out;

37 (ii) One whose employment is of a casual nature and who is  
38 employed otherwise than for the purposes of the employer's trade or  
39 business;

40 (iii) A member of the employer's family dwelling in his house; but,  
41 if, in any contract of insurance, the wages or salary of a member of the

42 employer's family dwelling in his house is included in the payroll on  
43 which the premium is based, then that person shall, if he sustains an  
44 injury arising out of and in the course of his employment, be deemed  
45 an employee and compensated in accordance with the provisions of  
46 this chapter;

47 (iv) Any person engaged in any type of service in or about a private  
48 dwelling provided he is not regularly employed by the owner or  
49 occupier over twenty-six hours per week;

50 (v) An employee of a corporation who is a corporate officer and  
51 who elects to be excluded from coverage under this chapter by notice  
52 in writing to his employer and to the commissioner; [or]

53 (vi) An owner of a business employing not more than three  
54 employees, exclusive of such owner, who elects to be excluded from  
55 coverage under this chapter by notice in writing to the commissioner,  
56 provided such owner has complied with the provisions of section 2 of  
57 this act; or

58 ~~[(vi)]~~ (vii) Any person who is not a resident of this state but is  
59 injured in this state during the course of his employment, unless such  
60 person (I) works for an employer who has a place of employment or a  
61 business facility located in this state at which such person spends at  
62 least fifty per cent of his employment time, or (II) works for an  
63 employer pursuant to an employment contract to be performed  
64 primarily in this state.

65 Sec. 2. (NEW) (Effective October 1, 2014) Any owner of a business  
66 employing not more than three employees, exclusive of such owner,  
67 who has elected to be excluded from coverage under chapter 568 of the  
68 general statutes pursuant to subparagraph (B)(vi) of subdivision (9) of  
69 section 31-275 of the general statutes, as amended by this act, shall: (1)  
70 Provide written notice to each client currently serviced by the business  
71 that such owner has elected to be excluded from coverage under  
72 chapter 568 of the general statutes not later than five business days

73 after electing such exclusion; (2) provide written notice to any client  
74 not currently serviced by the business that such owner has elected to  
75 be excluded from coverage under chapter 568 of the general statutes  
76 prior to engaging in any services for such client; and (3) waive all  
77 rights and claims against any client resulting from any injury such  
78 owner may incur while providing services to such client.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	31-275(9)
Sec. 2	<i>October 1, 2014</i>	New section

**Statement of Purpose:**

To allow certain small business owners to exclude themselves from workers' compensation coverage provided they notify their clients of such exclusion and agree to hold their clients harmless if they are injured while providing services to the client.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*