

Assembly Bill No. 185—Assemblymen Anderson, Ohrenschall,  
Collins, Conklin, Horne, Koivisto, Mabey, McClain and  
Sherer

CHAPTER.....

AN ACT relating to workers' compensation; excluding certain sports officials from the definition of "employee" for the purposes of the provisions governing workers' compensation for injuries and occupational diseases; revising the circumstances under which officers or managers of certain corporations or companies may reject coverage for themselves for the purposes of the provisions governing workers' compensation for injuries and occupational diseases; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 616A.110 is hereby amended to read as follows:

616A.110 "Employee" excludes:

1. Any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer.
2. Any person engaged as a theatrical or stage performer or in an exhibition.
3. Musicians when their services are merely casual in nature and not lasting more than 2 consecutive days, and not recurring for the same employer, as in wedding receptions, private parties and similar miscellaneous engagements.
4. Any person engaged in household domestic service, farm, dairy, agricultural or horticultural labor, or in stock or poultry raising, except as otherwise provided in chapters 616A to 616D, inclusive, of NRS.
5. Any person performing services as a voluntary ski patrolman who receives no compensation for his services other than meals, lodging, or use of the ski tow or lift facilities.
6. *Any person who performs services as a sports official for a nominal fee at a sporting event that is amateur, intercollegiate or interscholastic and is sponsored by a public agency, public entity or private, nonprofit organization. As used in this subsection, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sporting event.*

7. Any clergyman, rabbi or lay reader in the service of a church, or any person occupying a similar position with respect to any other religion.

~~{7-}~~ 8. Any real estate broker, broker-salesman or salesman licensed pursuant to chapter 645 of NRS.

~~{8-}~~ 9. Any person who:

(a) Directly sells or solicits the sale of products, in person or by telephone:

(1) On the basis of a deposit, commission, purchase for resale or similar arrangement specified by the Administrator by regulation, if the products are to be resold to another person in his home or place other than a retail store; or

(2) To another person from his home or place other than a retail store;

(b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that he works; and

(c) Performs pursuant to a written agreement with the person for whom the services are performed which provides that he is not an employee for the purposes of this chapter.

**Sec. 2.** NRS 616B.624 is hereby amended to read as follows:

616B.624 1. If a quasi-public or private corporation or a limited-liability company is required to be insured pursuant to chapters 616A to 616D, inclusive, of NRS, an officer of the corporation or a manager of the company who:

(a) Receives pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of \$6,000 per policy year and a maximum pay of \$36,000 per policy year.

(b) Does not receive pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of \$500 per month or \$6,000 per policy year.

2. An officer or manager who does not receive pay for services performed as an officer, manager or employee of the corporation or company may elect to reject coverage for himself by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. An officer or manager of such a corporation or company who:

(a) Owns the corporation or company; *and*

(b) ~~{Operates the corporation or company exclusively from his primary residence; and~~

~~{(c)}~~ Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer. Except as otherwise provided in subsection 3, if an officer or manager who has rejected coverage receives pay for services performed as an officer, manager or employee of the corporation or company, the officer or manager shall be deemed to have rescinded that rejection.

5. A nonprofit corporation whose officers do not receive pay for services performed as officers or employees of the corporation may elect to reject coverage for its current officers and all future officers who do not receive such pay by filing written notice thereof with the corporation and the insurer. The rejection is effective upon receipt of the notice by the insurer.

6. A nonprofit corporation which has rejected coverage for its officers who do not receive pay for services performed as officers or employees of the corporation may rescind that rejection by filing written notice thereof with the corporation and the insurer. The rescission is effective upon receipt of the notice by the insurer. If an officer of a nonprofit corporation which has rejected coverage receives pay for services performed as an officer or employee of the corporation, the corporation shall be deemed to have rescinded that rejection.

**Sec. 3.** NRS 617.080 is hereby amended to read as follows:

617.080 "Employee" excludes:

1. Any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer.

2. Any person engaged in household domestic service, farm, dairy, agricultural or horticultural labor, or in stock or poultry raising, except as otherwise provided in this chapter.

3. Any person engaged as a theatrical or stage performer or in an exhibition.

4. Musicians when their services are merely casual in nature and not lasting more than 2 consecutive days, and not recurring for the same employer, as in wedding receptions, private parties and similar miscellaneous engagements.

5. Any person performing services as a voluntary ski patrolman who receives no compensation for his services other than meals, lodging, or use of the ski tow or lift facilities.

6. *Any person who performs services as a sports official for a nominal fee at a sporting event that is amateur, intercollegiate or interscholastic and is sponsored by a public agency, public entity or private, nonprofit organization. As used in this subsection, "sports official" includes an umpire, referee, judge, scorekeeper,*

*timekeeper or other person who is a neutral participant in a sporting event.*

7. Any person who:

(a) Directly sells or solicits the sale of products, in person or by telephone:

(1) On the basis of a deposit, commission, purchase for resale or similar arrangement specified by the Administrator of the Division of Industrial Relations of the Department of Business and Industry by regulation, if the products are to be resold to another person in his home or place other than a retail store; or

(2) To another person from his home or place other than a retail store;

(b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that he works; and

(c) Performs pursuant to a written agreement with the person for whom the services are performed which provides that he is not an employee for the purposes of this chapter.

**Sec. 4.** NRS 617.207 is hereby amended to read as follows:

617.207 1. If a quasi-public or private corporation or limited-liability company is required to be insured pursuant to this chapter, an officer of the corporation or a manager of the company who:

(a) Receives pay for service performed shall be deemed for the purposes of this chapter to receive a minimum pay of \$6,000 per policy year and a maximum pay of \$36,000 per policy year.

(b) Does not receive pay for services performed shall be deemed for the purposes of this chapter to receive a minimum pay of \$500 per month or \$6,000 per policy year.

2. An officer or manager who does not receive pay for services performed may elect to reject coverage for himself by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. An officer or manager of such a corporation or company who:

(a) Owns the corporation or company; *and*

(b) ~~Operates the corporation or company exclusively from his primary residence; and~~

~~(c)~~ Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer.

**Sec. 5.** This act becomes effective on July 1, 2003.