

ASSEMBLY BILL NO. 185—ASSEMBLYMEN ANDERSON,
OHRENSCHALL, COLLINS, CONKLIN, HORNE, KOIVISTO,
MABEY, MCCLAIN AND SHERER

FEBRUARY 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain sports officials from certain provisions governing compensation. (BDR 53-1110)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 616A.110 is hereby amended to read as
2 follows:
3 616A.110 "Employee" excludes:
4 1. Any person whose employment is both casual and not in the
5 course of the trade, business, profession or occupation of his
6 employer.
7 2. Any person engaged as a theatrical or stage performer or in
8 an exhibition.
9 3. Musicians when their services are merely casual in nature
10 and not lasting more than 2 consecutive days, and not recurring for
11 the same employer, as in wedding receptions, private parties and
12 similar miscellaneous engagements.
13 4. Any person engaged in household domestic service, farm,
14 dairy, agricultural or horticultural labor, or in stock or poultry



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1 raising, except as otherwise provided in chapters 616A to 616D,
2 inclusive, of NRS.

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

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

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

16 ~~7.1~~ 8. Any real estate broker, broker-salesman or salesman
17 licensed pursuant to chapter 645 of NRS.

18 ~~8.1~~ 9. Any person who:

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

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

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

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

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

32 **Sec. 2.** NRS 617.080 is hereby amended to read as follows:

33 617.080 "Employee" excludes:

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

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

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

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



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

4 6. *Any person who performs services as a sports official for a*
5 *nominal fee at a sporting event that is amateur, intercollegiate or*
6 *interscholastic and is sponsored by a public agency, public entity*
7 *or private, nonprofit organization. As used in this subsection,*
8 *“sports official” includes an umpire, referee, judge, scorekeeper,*
9 *timekeeper or other person who is a neutral participant in a*
10 *sporting event.*

11 7. Any person who:

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

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

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

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

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

26 **Sec. 3.** This act becomes effective on July 1, 2003.

