

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—Makes various changes concerning applicability of provisions governing workers' compensation for injuries and occupational diseases. (BDR 53-1110)

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

~

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; 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:

- 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.



* A B 1 8 5 R 2 *

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

5 4. Any person engaged in household domestic service, farm,
6 dairy, agricultural or horticultural labor, or in stock or poultry
7 raising, except as otherwise provided in chapters 616A to 616D,
8 inclusive, of NRS.

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

12 6. *Any person who performs services as a sports official for a*
13 *nominal fee at a sporting event that is amateur, intercollegiate or*
14 *interscholastic and is sponsored by a public agency, public entity*
15 *or private, nonprofit organization. As used in this subsection,*
16 *“sports official” includes an umpire, referee, judge, scorekeeper,*
17 *timekeeper or other person who is a neutral participant in a*
18 *sporting event.*

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

22 ~~7.1~~ 8. Any real estate broker, broker-salesman or salesman
23 licensed pursuant to chapter 645 of NRS.

24 ~~8.1~~ 9. Any person who:

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

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

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

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

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

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

39 616B.624 1. If a quasi-public or private corporation or a
40 limited-liability company is required to be insured pursuant to
41 chapters 616A to 616D, inclusive, of NRS, an officer of the
42 corporation or a manager of the company who:

43 (a) Receives pay for services performed as an officer, manager
44 or employee of the corporation or company shall be deemed for the



1 purposes of those chapters to receive a minimum pay of \$6,000 per
2 policy year and a maximum pay of \$36,000 per policy year.

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

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

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

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

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

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

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

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

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

44 **Sec. 3.** NRS 617.080 is hereby amended to read as follows:
45 617.080 "Employee" excludes:



- 1 1. Any person whose employment is both casual and not in the
2 course of the trade, business, profession or occupation of his
3 employer.
- 4 2. Any person engaged in household domestic service, farm,
5 dairy, agricultural or horticultural labor, or in stock or poultry
6 raising, except as otherwise provided in this chapter.
- 7 3. Any person engaged as a theatrical or stage performer or in
8 an exhibition.
- 9 4. 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 5. Any person performing services as a voluntary ski patrolman
14 who receives no compensation for his services other than meals,
15 lodging, or use of the ski tow or lift facilities.
- 16 6. *Any person who performs services as a sports official for a*
17 *nominal fee at a sporting event that is amateur, intercollegiate or*
18 *interscholastic and is sponsored by a public agency, public entity*
19 *or private, nonprofit organization. As used in this subsection,*
20 *“sports official” includes an umpire, referee, judge, scorekeeper,*
21 *timekeeper or other person who is a neutral participant in a*
22 *sporting event.*
- 23 7. Any person who:
- 24 (a) Directly sells or solicits the sale of products, in person or by
25 telephone:
- 26 (1) On the basis of a deposit, commission, purchase for
27 resale or similar arrangement specified by the Administrator of the
28 Division of Industrial Relations of the Department of Business and
29 Industry by regulation, if the products are to be resold to another
30 person in his home or place other than a retail store; or
- 31 (2) To another person from his home or place other than a
32 retail store;
- 33 (b) Receives compensation or remuneration based on sales to
34 customers rather than for the number of hours that he works; and
- 35 (c) Performs pursuant to a written agreement with the person for
36 whom the services are performed which provides that he is not an
37 employee for the purposes of this chapter.
- 38 **Sec. 4.** NRS 617.207 is hereby amended to read as follows:
39 617.207 1. If a quasi-public or private corporation or limited-
40 liability company is required to be insured pursuant to this chapter,
41 an officer of the corporation or a manager of the company who:
- 42 (a) Receives pay for service performed shall be deemed for the
43 purposes of this chapter to receive a minimum pay of \$6,000 per
44 policy year and a maximum pay of \$36,000 per policy year.



- 1 (b) Does not receive pay for services performed shall be deemed
2 for the purposes of this chapter to receive a minimum pay of \$500
3 per month or \$6,000 per policy year.
- 4 2. An officer or manager who does not receive pay for services
5 performed may elect to reject coverage for himself by filing written
6 notice thereof with the corporation or company and the insurer. The
7 rejection is effective upon receipt of the notice by the insurer.
- 8 3. An officer or manager of such a corporation or company
9 who:
- 10 (a) Owns the corporation or company; *and*
11 (b) ~~Operates the corporation or company exclusively from his~~
12 ~~primary residence; and~~
13 ~~(c)~~ Receives pay for the services performed,
14 may elect to reject coverage for himself by filing written notice
15 thereof with the insurer. The rejection is effective upon receipt of
16 the notice by the insurer.
- 17 4. An officer or manager who has rejected coverage may
18 rescind that rejection by filing written notice thereof with the
19 corporation or company and the insurer. The rescission is effective
20 upon receipt of the notice by the insurer.
- 21 **Sec. 5.** This act becomes effective on July 1, 2003.

