

IN THE SENATE

SENATE BILL NO. 1359

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EXEMPTIONS FROM COVERAGE FROM THE WORKER'S COMPENSATION LAW;  
2 AMENDING SECTION 72-212, IDAHO CODE, TO PROVIDE THAT IF THE EMPLOYER IS  
3 THE OWNER OF A SOLE PROPRIETORSHIP OR A SINGLE MEMBER LIMITED LIABILITY  
4 COMPANY THAT IS TAXED AS A SOLE PROPRIETORSHIP, THE EMPLOYMENT OF MEM-  
5 BERS OF AN EMPLOYER'S FAMILY DWELLING IN HIS HOUSEHOLD SHALL BE EXEMPT  
6 UNLESS COVERAGE IS ELECTED AND TO MAKE TECHNICAL CORRECTIONS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 72-212, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 72-212. EXEMPTIONS FROM COVERAGE. None of the provisions of this law  
12 shall apply to the following employments unless coverage thereof is elected  
13 as provided in section 72-213, Idaho Code-:

14 (1) Household domestic service.

15 (2) Casual employment.

16 (3) Employment of outworkers.

17 (4) Employment of members of an employer's family dwelling in his  
18 household if the employer is the owner of a sole proprietorship or a single  
19 member limited liability company that is taxed as a sole proprietorship.

20 (5) Employment of members of an employer's family not dwelling in his  
21 household if the employer is the owner of a sole proprietorship, provided  
22 the family member has filed with the commission a written declaration of his  
23 election for exemption from coverage. For the purposes of this subsection,  
24 "member of an employer's family" means a natural person or the spouse of a  
25 natural person who is related to the employer by blood, adoption or marriage  
26 within the first degree of consanguinity or a grandchild or the spouse of a  
27 grandchild.

28 (6) Employment as the owner of a sole proprietorship; employment of a  
29 working member of a partnership or a limited liability company; employment  
30 of an officer of a corporation who at all times during the period involved  
31 owns not less than ten percent (10%) of all of the issued and outstanding vot-  
32 ing stock of the corporation and, if the corporation has directors, is also a  
33 director thereof.

34 (7) Employment for which a rule of liability for injury, occupational  
35 disease, or death is provided by the laws of the United States.

36 (8) Employment as a pilot of an aircraft, while actually operating an  
37 aircraft for the purpose of applying fertilizers or pesticides to agricul-  
38 tural crops, shall be exempt from the provisions of the worker's compensa-  
39 tion law, provided that:

40 (a) The industrial commission has issued to the agent submitting the  
41 policy, written approval of a policy of insurance that will provide  
42 benefits in an amount of not less than: twenty-five thousand dollars

1 (\$25,000) accidental death and dismemberment, ten thousand dollars  
2 (\$10,000) medical expense payments, and five hundred dollars (\$500) per  
3 month disability income for a minimum of forty-eight (48) months; and

4 (b) Once the policy has been approved by the industrial commission,  
5 proof of coverage for the specified pilot has been filed with the com-  
6 mission prior to the pilot actually operating an aircraft.

7 Provided however, the agent issuing the policy shall obtain approval of the  
8 policy of insurance, and proof of coverage for each pilot insured under the  
9 policy shall be filed with the commission, each calendar year. The exemp-  
10 tion shall be effective on the date the commission receives proof of coverage  
11 for the specified pilot, but no earlier than the date written approval of the  
12 policy was issued by the commission.

13 (9) Associate real estate brokers and real estate salesmen. Service  
14 performed by an individual for a real estate broker as an associate real es-  
15 tate broker or as a real estate salesman, if all such service performed by  
16 such individual for such person is performed for remuneration solely by way  
17 of commission.

18 (10) Volunteer ski patrollers.

19 (11) Officials of athletic contests involving secondary schools, as de-  
20 fined in section 33-119, Idaho Code.