

Regular Session, 2010

SENATE BILL NO. 107

BY SENATOR RISER

WORKERS' COMPENSATION. Provides with respect to those included in the workers' compensation system. (8/15/10)

1 AN ACT  
2 To amend and reenact R.S. 23:1035(A) relative to persons covered by workers'  
3 compensation, to provide with respect to corporate officers, members of a limited  
4 liability company, and sole proprietors to elect not to be covered by workers'  
5 compensation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1035(A) is hereby amended and reenacted to read as follows:

8 §1035. Employees covered

9 A. The provisions of this Chapter shall also apply to every person  
10 performing services arising out of and incidental to his employment in the course of  
11 his own trade, business, or occupation, or in the course of his employer's trade,  
12 business, or occupation, except that the bona fide president, vice president, secretary,  
13 or treasurer of a corporation who owns not less than ten percent of the stock therein,  
14 or a partner with respect to a partnership employing him, or a member of a limited  
15 liability company as defined in R.S. 12:1301(A)(13) who owns not less than a ten  
16 percent membership interest therein, or a sole proprietor with respect to such sole  
17 proprietorship may by written agreement **with his insurer or self-insured group**

1 elect not to be covered by the provisions of this Chapter. Such election shall not be  
 2 limited, but shall apply to all trades, businesses, or occupations conducted by said  
 3 corporation, partnership, limited liability company, or sole proprietorship. Such an  
 4 election shall be binding upon the employing corporation, partnership, limited  
 5 liability company, and sole proprietor and the surviving spouse, relatives, personal  
 6 representative, heirs, or dependents of the officer, partner, member, or sole proprietor  
 7 so electing. No salary or compensation received by any such bona fide corporate  
 8 officer, partner, member, or sole proprietor so electing shall be used in computing  
 9 the premium rate for workers' compensation insurance.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Mary Dozier O'Brien.

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DIGEST

Present law provides that corporate officers, members of limited liability companies, and sole proprietors may agree not to be covered by workers' compensation.

Proposed law retains present law but specifies that the agreement shall be between the officer, member, or sole proprietor and his insurer or self-insured group.

(Amends R.S. 23:1035(A))