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2004 APR -5 A 11:49

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



# ENROLLED

## House Bill No. 4672

(By Delegates Michael, Boggs, Warner, Browning  
Cann, H. White and G. White)



Passed March 12, 2004

In Effect from Passage

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### H. B. 4672

(BY DELEGATES MICHAEL, BOGGS, WARNER, BROWNING  
CANN, H. WHITE AND G. WHITE)

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[Passed March 12, 2004; in effect from passage.]

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AN ACT to amend and reenact §31B-12-1207 of the code of West Virginia, 1931, as amended, relating to calculation of workers' compensation premiums for members of limited liability companies; and clarifying that workers' compensation coverage is not required for a person who is a member solely as an investor.

*Be it enacted by the legislature of West Virginia:*

That §31B-12-1207 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### ARTICLE 12. MISCELLANEOUS PROVISIONS.

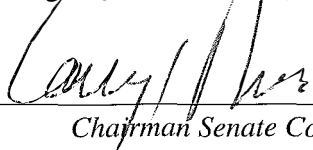
##### **§31B-12-1207. Equality of workers' compensation treatment.**

- 1 (a) Notwithstanding any provision of subdivision (3),
- 2 subsection (g), section one, article two, chapter twenty-three of
- 3 this code to the contrary, all covered members of limited
- 4 liability companies which are treated as partnerships for federal
- 5 income tax purposes shall be subject to the calculation of

6 premium on the members as provided for partners in a partner-  
7 ship in section one-b, article two, chapter twenty-three of this  
8 code. Any limited liability company excluding any member  
9 from workers' compensation coverage or computing premiums  
10 on such member as a partner prior to the effective date of this  
11 section is deemed to have made an effective election in accor-  
12 dance with the provisions of this section for all periods until  
13 such limited liability company modifies the election.

14 (b) Notwithstanding any provision of subdivision (3),  
15 subsection (g), section one, article two, chapter twenty-three of  
16 this code to the contrary, a person is not a member of a limited  
17 liability company for whom coverage is required under that  
18 section if the person is a member solely as an investor and does  
19 not participate in the direction, administration, or control of the  
20 company and its activities or investments unless that person is  
21 employed in the service of the company for the purpose of  
22 carrying on the industry, business, service or work in which it  
23 is engaged.

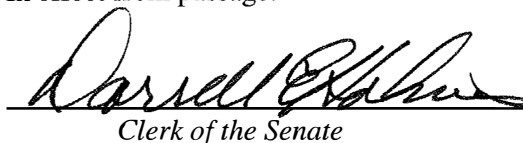
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

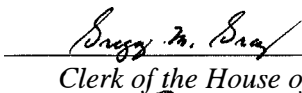
  
Chairman Senate Committee

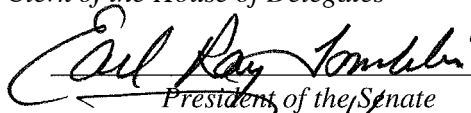
  
Chairman House Committee

Originating in the House.

In effect from passage.

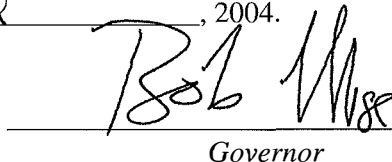
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 5<sup>th</sup>  
day of April, 2004.

  
Governor

PRESENTED TO THE

GOVERNOR

DATE 3-31-04

TIME 10:30 AM