

SB 505

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



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Committee Substitute for

SENATE BILL NO. 505

(By Senator Unger)



PASSED March 11, 2000

In Effect June 1, 2000 ~~██████████~~

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 505

(SENATOR UNGER, *original sponsor*)

[Passed March 11, 2000; to take effect June 1, 2000.]

AN ACT to amend article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a; and to amend article twelve, chapter thirty-one-b of said code by adding thereto a new section, designated section one thousand two hundred seven, all relating to workers' compensation; workers' compensation coverage for clients of the division of rehabilitation services participating in unpaid work-based training programs; requiring annual report to the division of rehabilitation services; designating division of rehabilitation services and the participating entity as the employers; providing participating entities with immunity from liability to the division of workers' compensation; establishing wage rate for purpose of providing

minimum benefits to employers and employees subject to workers' compensation coverage; providing equivalent workers compensation treatment for the members of limited liability companies; and providing that members and managers of limited liability companies may elect to include or exclude coverage under workers' compensation and pay premiums as partners in a partnership; providing transition elections.

Be it enacted by the Legislature of West Virginia:

That article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a; and that article twelve, chapter thirty-one-b of said code be amended by adding thereto a new section, designated section one thousand two hundred seven, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 10A. REHABILITATION SERVICES.

§18-10A-12a. Workers' compensation for clients participating in unpaid work-based training programs.

1 (a) The workers' compensation division shall create a
2 classification and calculate a base premium tax rate for
3 clients of the division of rehabilitation services participat-
4 ing in unpaid work-based training programs within
5 integrated community-based settings. The workers'
6 compensation division shall report to the division of
7 rehabilitation services:

8 (1) The amount of the base premium tax rate for the
9 class; and

10 (2) The hourly wages per client to be used to provide the
11 minimum weekly benefits required by section six, article
12 four, chapter twenty-three of this code.

13 (b) The base premium tax rate reported annually to the
14 division of rehabilitation services by the workers' compen-
15 sation division shall not be effective until the first day of
16 July, and shall remain in effect through the last day of the
17 next June.

18 (c) The division of rehabilitation services and the
19 participating entity shall be considered the joint employers
20 of record of the clients while the clients are participating
21 in unpaid work-based training programs in integrated
22 community-based settings: *Provided*, That the participat-
23 ing entity shall not be held responsible for any liability
24 due the workers' compensation division. Such clients shall
25 be considered to be paid the amount of wages sufficient to
26 provide the minimum workers' compensation weekly
27 benefits required by section six, article four of chapter
28 twenty-three of this code.

CHAPTER 31B. UNIFORM LIMITED LIABILITY COMPANY ACT.

ARTICLE 12. MISCELLANEOUS PROVISIONS.

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

1 Members of limited liability companies which are
2 treated as partnerships for federal income tax purposes
3 may elect to forego coverage under workers' compensation
4 in the same manner as partners in a partnership pursuant
5 to the provisions of section 1a, article two, chapter twenty-
6 three of the code of West Virginia, one thousand nine
7 hundred thirty-one, as amended, and any member not
8 electing to forego coverage, shall be subject to the calcula-
9 tion of premium on the member as provided for partners
10 in a partnership in section one-b, article two, chapter
11 twenty-three of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended. Any limited liabil-
13 ity company excluding any member from workers compen-
14 sation coverage or computing premiums on such member

15 as a partner prior to the effective date of this section is
16 deemed to have made an effective election in accordance
17 with the provisions of this section for all periods until such
18 limited liability company modifies the election.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

Takes effect June 1, 2000.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within..... *approved* this the *3rd*
Day of *April* 2000.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 4:05 pm