WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED
Committee Substitute for
SENATE BILL NO. 505

(By Senator Unger)

PASSED March 11, 2000
In 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.

(a) The workers’ compensation division shall create a classification and calculate a base premium tax rate for clients of the division of rehabilitation services participating in unpaid work-based training programs within integrated community-based settings. The workers’ compensation division shall report to the division of rehabilitation services:

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

(2) The hourly wages per client to be used to provide the minimum weekly benefits required by section six, article four, chapter twenty-three of this code.
(b) The base premium tax rate reported annually to the division of rehabilitation services by the workers' compensation division shall not be effective until the first day of July, and shall remain in effect through the last day of the next June.

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

CHAPTER 31B. UNIFORM LIMITED LIABILITY COMPANY ACT.

ARTICLE 12. MISCELLANEOUS PROVISIONS.


Members of limited liability companies which are treated as partnerships for federal income tax purposes may elect to forego coverage under workers' compensation in the same manner as partners in a partnership pursuant to the provisions of section 1a, article two, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and any member not electing to forego coverage, shall be subject to the calculation of premium on the member as provided for partners in a partnership in section one-b, article two, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended. Any limited liability company excluding any member from workers compensation coverage or computing premiums on such member
as a partner prior to the effective date of this section is
deemed to have made an effective election in accordance
with the provisions of this section for all periods until such
limited liability company modifies the election.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect June 1, 2000.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within... approved... this the...

Day of... 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/31/10
Time 4:05 pm