

1 *Senate* BILL NO. *99*
 2 INTRODUCED BY *See by request of Workman Camp*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 92-411, R.C.M. 1947, BY CHANGING THE SALARY UPON WHICH
 6 PREMIUMS ARE COLLECTED FOR SOLE PROPRIETORS AND PARTNERS
 7 UNDER THE WORKMEN'S COMPENSATION ACT, AND PROVIDING THAT THE
 8 SALARY SHALL ALSO BE USED FOR THE DETERMINATION OF
 9 COMPENSATION BENEFITS."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 92-411, R.C.M. 1947, is amended to
 13 read as follows:

14 "92-411. Employee and workman defined. (1) "Employee"
 15 and "workman" are used synonymously and mean every person in
 16 this state, including a contractor other than an
 17 "independent contractor" who is in the service of an
 18 employer as defined by the preceding section, under any
 19 appointment or contract of hire, expressed or implied, oral
 20 or written, including aliens and also including minors,
 21 whether lawfully or unlawfully employed, and all of the
 22 elected and appointed paid public officers and officers and
 23 members of boards of directors of quasi-public or private
 24 corporations while rendering actual service for such
 25 corporations for pay, including city and town firemen,

1 highway patrolmen, police officers, county sheriffs, deputy
 2 sheriffs, constables, truant officers and all peace
 3 officers, also all public officers and their deputies,
 4 assistants and employees, but excluding any person whose
 5 employment is both casual and not in the courses of the
 6 trade, business, profession or occupation of his employer,
 7 unless such employer has elected to be bound by the
 8 provisions of the compensation law, in which case all
 9 employees are included, whether their employment is casual
 10 or otherwise, and also excluding any employee engaged in
 11 household or domestic service.

12 (2) "Employee" also means a recipient of general relief
 13 who is performing work for a county of this state under the
 14 provisions of section 71-307, any juvenile performing work
 15 under authorization of a district court judge in a
 16 delinquency prevention or rehabilitation program, and any
 17 person receiving vocational rehabilitation training, or
 18 other on-the-job training under any state or federal
 19 vocational training program, whether or not under any
 20 appointment or contract of hire with an "employer" as
 21 defined in this title, and whether or not receiving payment
 22 from a third party.

23 (3) If the employer is a partnership, or sole
 24 proprietorship, such employer may elect to include as an
 25 "employee" within the provisions of this act, any member of

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1 such partnership, or the owner of the sole proprietorship,
2 devoting full time to the partnership or proprietorship
3 business. In the event of such election, the employer must
4 serve upon the employer's insurance carrier and the
5 ~~industrial-accident-board~~ division written notice naming the
6 partners ~~and/or sole proprietors~~ proprietor to be covered,
7 and no partner or sole proprietor shall be deemed an
8 employee within this act until such notice has been given.
9 For premium rate making , and for the determination of
10 weekly wage for weekly compensation benefits, the insurance
11 carrier shall assume a salary or wage of such electing
12 "employee" to be ~~five~~ nine hundred dollars ~~(\$500)~~ (\$900) per
13 month."

-End-

Approved by Committee
on Labor & Employment
Relations

Senate BILL NO. *99*
See by request of Workman's Comp

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