

ASSEMBLY BILL NO. 334—ASSEMBLYMEN HETTRICK, HUMKE, COLLINS, PERKINS, DINI, CEGAVSKE, BEERS, NOLAN, LESLIE, EVANS, GOLDWATER, THOMAS, CARPENTER, SEGERBLOM, GUSTAVSON, CHOWNING, DE BRAGA, MORTENSON, CLABORN, MCCLAIN AND KOIVISTO

FEBRUARY 26, 1999

JOINT SPONSORS: SENATORS TOWNSEND, O'CONNELL AND RHOADS

Referred to Committee on Commerce and Labor

SUMMARY—Provides for industrial insurance coverage for persons employed in casual employment. (BDR 53-86)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to industrial insurance; providing for industrial insurance coverage for persons who are employed in casual employment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 616A.110 is hereby amended to read as follows:
2 616A.110 “Employee” excludes:
3 1. ~~Any~~ ***Except as otherwise provided in section 2 of this act, any***
4 person whose employment is both casual and not in the course of the trade,
5 business, profession or occupation of his employer.
6 2. Any person engaged as a theatrical or stage performer or in an
7 exhibition.
8 3. Musicians when their services are merely casual in nature and not
9 lasting more than 2 consecutive days, and not recurring for the same
10 employer, as in wedding receptions, private parties and similar
11 miscellaneous engagements.

1 4. Any person engaged in household domestic service, farm, dairy,
2 agricultural or horticultural labor, or in stock or poultry raising, except as
3 otherwise provided in chapters 616A to 616D, inclusive, of NRS.

4 5. Any person performing services as a voluntary ski patrolman who
5 receives no compensation for his services other than meals, lodging, or use
6 of the ski tow or lift facilities.

7 6. Any clergyman, rabbi or lay reader in the service of a church, or
8 any person occupying a similar position with respect to any other religion.

9 7. Any real estate broker, broker-salesman or salesman licensed
10 pursuant to chapter 645 of NRS.

11 8. Any person who:

12 (a) Directly sells or solicits the sale of products, in person or by
13 telephone:

14 (1) On the basis of a deposit, commission, purchase for resale or
15 similar arrangement specified by the administrator by regulation, if the
16 products are to be resold to another person in his home or place other than
17 a retail store; or

18 (2) To another person from his home or place other than a retail
19 store;

20 (b) Receives compensation or remuneration based on sales to customers
21 rather than for the number of hours that he works; and

22 (c) Performs pursuant to a written agreement with the person for whom
23 the services are performed which provides that he is not an employee for
24 the purposes of this chapter.

25 **Sec. 2.** Chapter 616B of NRS is hereby amended by adding thereto a
26 new section to read as follows:

27 ***1. The system or any private carrier may establish a plan to provide***
28 ***industrial insurance to a person who employs a casual laborer for the***
29 ***term of that employment. Upon establishing such a plan, the manager or***
30 ***private carrier may, with the approval of the commissioner, determine***
31 ***and fix the premium rates to be paid, which must be based on man***
32 ***months worked. Any work performed during a calendar month must be***
33 ***counted as 1 man month for the purposes of determining premiums.***

34 ***2. Any casual laborer for whom industrial insurance is provided***
35 ***pursuant to such a plan:***

36 ***(a) Shall be deemed to be an employee while performing work for his***
37 ***employer at a wage equal to his average monthly wage as determined***
38 ***pursuant to the regulations adopted by the administrator pursuant to***
39 ***NRS 616C.420; and***

40 ***(b) Is entitled to the benefits of chapters 616A to 616D, inclusive, of***
41 ***NRS.***

1 **3. As used in this section, “casual laborer” means a person whose**
2 **employment is both casual and not in the course of the trade, business,**
3 **profession or occupation of his employer.**

4 **Sec. 3.** NRS 617.080 is hereby amended to read as follows:

5 617.080 “Employee” excludes:

6 1. ~~Any~~ **Except as otherwise provided in section 2 of this act, any**
7 person whose employment is both casual and not in the course of the trade,
8 business, profession or occupation of his employer.

9 2. Any person engaged in household domestic service, farm, dairy,
10 agricultural or horticultural labor, or in stock or poultry raising, except as
11 otherwise provided in this chapter.

12 3. Any person engaged as a theatrical or stage performer or in an
13 exhibition.

14 4. Musicians when their services are merely casual in nature and not
15 lasting more than 2 consecutive days, and not recurring for the same
16 employer, as in wedding receptions, private parties and similar
17 miscellaneous engagements.

18 5. Any person performing services as a voluntary ski patrolman who
19 receives no compensation for his services other than meals, lodging or use
20 of the ski tow or lift facilities.

21 6. Any person who:

22 (a) Directly sells or solicits the sale of products, in person or by
23 telephone:

24 (1) On the basis of a deposit, commission, purchase for resale or
25 similar arrangement specified by the administrator of the division of
26 industrial relations of the department of business and industry by
27 regulation, if the products are to be resold to another person in his home or
28 place other than a retail store; or

29 (2) To another person from his home or place other than a retail
30 store;

31 (b) Receives compensation or remuneration based on sales to customers
32 rather than for the number of hours that he works; and

33 (c) Performs pursuant to a written agreement with the person for whom
34 the services are performed which provides that he is not an employee for
35 the purposes of this chapter.