

34A-2-1003 Issuance of a waiver.

- (1) The commission shall issue a workers' compensation coverage waiver to a business entity that:
 - (a) elects not to include an owner, partner, or corporate officer or director as an employee under a workers' compensation policy in accordance with Section 34A-2-103 and Subsection 34A-2-104(4);
 - (b) employs no other employee on the day on which the commission issues the waiver to the business entity;
 - (c) provides to the commission the information required by Section 34A-2-1004; and
 - (d) pays a fee established by the commission in accordance with Section 63J-1-504, except that the fee may not exceed \$50.
- (2)
 - (a) A waiver issued under this section expires one year from the day on which it is issued unless renewed by the holder of the waiver.
 - (b) To renew a waiver issued under this part, the holder of the waiver shall:
 - (i) employ no other employee on the day on which the commission renews the waiver;
 - (ii) provide to the commission the information required by Section 34A-2-1004; and
 - (iii) pay a fee established by the commission in accordance with Section 63J-1-504, except that the fee may not exceed \$50.
- (3) As of the day on which a business entity described in Subsection (1) employs an employee other than an owner, partner, or corporate officer or director described in Subsection (1)(a):
 - (a) the business entity's waiver is invalid; and
 - (b) the business entity is required to provide workers' compensation coverage for that employee in accordance with Section 34A-2-201.
- (4) The commission shall deposit a fee collected under this section in the Industrial Accident Restricted Account created in Section 34A-2-705.
- (5) Unless invalidated under Section 34A-2-1005, notwithstanding the other provisions of this section, a waiver issued by an insurer that is valid on June 30, 2011, remains valid until its expiration date.

Enacted by Chapter 328, 2011 General Session