

Senator Karen Mayne proposes the following substitute bill:

WORKERS' COMPENSATION FOR VOLUNTEERS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill modifies the Workers' Compensation Act to address volunteers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that volunteers are not employees for purposes of workers' compensation unless the nongovernment entity for which the volunteer provides services elects to cover the volunteer with workers' compensation coverage;
- ▶ clarifies the application of the exclusive remedy;
- ▶ provides how disability compensation is to be determined;
- ▶ addresses how premiums are calculated;
- ▶ addresses affect of the failure or refusal of a nongovernment entity to elect workers'

compensation coverage for volunteers; ~~H~~→ [and]

▶ addresses insurance obtained by a volunteer; and ←~~H~~

▶ addresses notice to volunteers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



57 employees.

58 (b) If a nongovernment entity obtains coverage under Section 34A-2-201 for the
 59 nongovernment entity's volunteers, for purposes of receiving benefits under this chapter and
 60 Chapter 3, Utah Occupational Disease Act:

61 (i) a volunteer is considered an employee of the nongovernment entity; and

62 (ii) these benefits are the exclusive remedy of the volunteer in accordance with Section
 63 34A-2-105 for an industrial injury or disease covered by this chapter and Chapter 3, Utah
 64 Occupational Disease Act.

65 (4) A nongovernment entity shall keep sufficient records of the nongovernment entity's
 66 volunteers and the volunteers' duties to determine compliance with this section.

67 (5) To compute the disability compensation benefits under Subsection (3), the
 68 disability compensation shall be calculated in accordance with Part 4, Compensation and
 69 Benefits, with the average weekly wage of the nongovernment volunteer assumed to be the
 70 Utah minimum wage at the time of the industrial accident or occupational disease that is the
 71 basis for the volunteer's workers' compensation claim.

72 (6) A workers' compensation insurer shall calculate the premium for a nongovernment
 73 entity's volunteer on the basis of the Utah minimum wage on the actual hours the volunteer
 74 provides service to the nongovernment entity, except that a workers' compensation insurer may
 75 assume 30 hours worked per week if the nongovernment entity does not provide a record of
 76 actual hours worked. The imputed wages shall be assigned to the class code on the policy that
 77 best describes the volunteer's duties.

78 (7) The failure or refusal of a nongovernment entity to make an election under this
 79 section in regard to volunteers does not alter, have an effect on, or give rise to any implication
 80 or presumption regarding:

81 (a) the nongovernment entity's duties or liabilities with respect to volunteers; or

82 (b) the rights of volunteers.

82a **H→ (8) Subject to Subsection (3)(b)(ii), nothing in this section affects a volunteer's right to**
 82b **seek remedies available to the volunteer through a personal insurance policy that the volunteer**
 82c **obtains for the volunteer in addition to any workers' compensation benefits obtained under**
 82d **this section**

83 ~~[(8)]~~ **(9) ←H A nongovernment entity shall notify a volunteer of an election under**
 83a **Subsection**

84 **(3)(a) by posting:**

85 **(a) printed notices where volunteers are likely to see the notices in conspicuous places**
 86 **about the nongovernment entity's place of business; and**

87 **(b) notices on a website that the nongovernment entity uses to recruit or provide**