

House Bill 952

By: Representatives Martin of the 47<sup>th</sup> and Squires of the 78<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,  
2 relating to general provisions of workers' compensation, so as to change provisions relating  
3 to farm laborers; to provide for related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to  
8 general provisions of workers' compensation, is amended by striking in its entirety  
9 subsection (a) of Code Section 34-9-2 relating to general applicability of the chapter, and  
10 inserting in lieu thereof a new subsection (a) to read as follows:

11 "(a) This chapter shall not apply to common carriers by railroad engaged in intrastate trade  
12 or commerce; nor shall this chapter be construed to lessen the liability of such common  
13 carriers or take away or diminish any right that any employee of such common carrier or,  
14 in case of his or her death, the personal representative of such employee may have under  
15 the laws of this state; nor shall this chapter apply to employees whose employment is not  
16 in the usual course of trade, business, occupation, or profession of the employer or not  
17 incidental thereto; nor to ~~farm laborers~~ or domestic servants; nor to employers of such  
18 employees; nor to any person, firm, or private corporation, including any public service  
19 corporation, that has regularly in service less than three employees in the same business  
20 within this state, unless such employees and their employers voluntarily elect to be bound;  
21 nor to any person performing services as a licensed real estate salesperson or associate  
22 broker who has a written contract of employment providing that he or she shall perform all  
23 services as an independent contractor."

**SECTION 2.**

Said article is further amended by striking Code Section 34-9-2.3, relating to workers' compensation coverage for farm laborers, in its entirety and inserting in lieu thereof a new Code section to read as follows:

"34-9-2.3.

~~Notwithstanding the provisions of subsection (a) of Code Section 34-9-2, relative to the exempt status of individuals employed as farm laborers, an employer of farm laborers may elect to provide workers' compensation coverage to individuals employed as farm laborers by giving written notice to the board in such manner and form as provided by rule of the board. Upon the filing of the notice with the board, the employer of farm laborers shall be deemed an employer for the purposes of this chapter and each individual employed as a farm laborer shall be deemed an employee for the purposes of this chapter. An employer of farm laborers who has filed a notice pursuant to this Code section shall not discontinue the provision of workers' compensation insurance coverage for individuals employed as farm laborers until the notice filed with the board is revoked in a manner to be specified by rule of the board and written notice is given to each affected employee in a manner to be specified by rule of the board. Reserved.~~

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.