

Senate Bill 239

By: Senator Goggans of the 7th

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 regarding workers' compensation, so as to provide a definition  
3 for the term "farm laborers"; to provide for the applicability of Chapter 9 of Title 34; to  
4 repeal conflicting laws: and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to  
8 general provisions regarding workers' compensation, is amended by revising subsection (a)  
9 of Code Section 34-9-2, relating to the applicability of the chapter to employers and  
10 employees, as follows:

11 "(a)(1) As used in this subsection, the term 'farm laborers' means any person in the employ  
12 of any employing unit in connection with cultivating the soil or in connection with raising  
13 or harvesting any agricultural or horticultural commodity, other than timber, including but  
14 not limited to the raising, shearing, feeding, caring for, training, and management of  
15 livestock, bees, poultry, fur-bearing animals, and wildlife as defined by paragraph (77) of  
16 Code Section 27-1-2.

17 (2) This chapter shall not apply to common carriers by railroad engaged in intrastate trade  
18 or commerce; nor shall this chapter be construed to lessen the liability of such common  
19 carriers or take away or diminish any right that any employee of such common carrier or,  
20 in case of his or her death, the personal representative of such employee may have under  
21 the laws of this state; nor shall this chapter apply to employees whose employment is not  
22 in the usual course of trade, business, occupation, or profession of the employer or not  
23 incidental thereto; nor to farm laborers or domestic servants; nor to employers of such  
24 employees; nor to any person, firm, or private corporation, including any public service  
25 corporation, that has regularly in service less than three employees in the same business  
26 within this state, unless such employees and their employers voluntarily elect to be bound;

1 nor to any person performing services as a licensed real estate salesperson or associate  
2 broker who has a written contract of employment providing that he or she shall perform all  
3 services as an independent contractor."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.