

The Senate Insurance and Labor Committee offered the following substitute to SB 239:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions regarding workers' compensation, so as to provide a definition for the term "farm laborers"; to provide for the applicability of Chapter 9 of Title 34; to repeal conflicting laws: and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

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

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

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

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.