

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 553

Introduced by Lowe, 37.

Read first time January 18, 2017

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-1,110, Revised Statutes Cumulative Supplement,
- 3 2016; to provide for the filing of a nonelection of coverage as
- 4 prescribed; to harmonize provisions; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Any individual employer, partner, limited liability
2 company member, or self-employed person who is actually engaged in the
3 individual employer's, partnership's, limited liability company's, or
4 self-employed person's business on a substantially full-time basis and
5 who does not elect to bring himself or herself within the provisions of
6 the Nebraska Workers' Compensation Act under subdivision (10) of section
7 48-115 shall file with the administrator of the Nebraska Workers'
8 Compensation Court a written nonelection of workers' compensation
9 coverage. The administrator of the compensation court shall develop a
10 nonelection form to be used for purposes of this subsection. The form
11 shall include an acknowledgment stating that the individual signing the
12 form understands that he or she is not electing workers' compensation
13 coverage and that such nonelection is not a waiver of any rights or
14 remedies available to such individual in a civil action related to
15 personal injuries arising out of and in the course of the individual's
16 employment with his or her employer. Such nonelection of workers'
17 compensation coverage is not enforceable if it is required as a condition
18 of employment.

19 (2) An individual who files a nonelection of workers' compensation
20 coverage under subsection (1) of this section may terminate such
21 nonelection by filing a written notice of termination with the
22 administrator of the compensation court. The administrator of the
23 compensation court shall develop a form to be used for the notice of
24 termination. Following the filing of the notice of termination, the
25 status of the individual filing such notice shall be the same as if the
26 nonelection of coverage had not been made. Such individual may then elect
27 to bring himself or herself within the provisions of the Nebraska
28 Workers' Compensation Act in accordance with subdivision (10) of section
29 48-115, except that such election shall not be effective as to any injury
30 sustained or disease incurred less than one week after the notice of
31 termination is filed.

1 (3) The administrator of the compensation court shall maintain a
2 list of those individuals who have filed a nonelection of workers'
3 compensation coverage pursuant to subsection (1) of this section or a
4 notice of termination pursuant to subsection (2) of this section, and
5 such list shall be a public record open to public inspection.

6 Sec. 2. Section 48-1,110, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall
9 be known and may be cited as the Nebraska Workers' Compensation Act.

10 Sec. 3. Original section 48-1,110, Revised Statutes Cumulative
11 Supplement, 2016, is repealed.