

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1129

Introduced by Vargas, 7.

Read first time January 22, 2020

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-116, Reissue Revised Statutes of Nebraska; to
- 3 change evasion of law provisions to ensure certain coverage under
- 4 the act; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-116, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-116 Any person, firm, or corporation creating or carrying into
4 operation any scheme, artifice, or device to enable him or her, them, or
5 it to execute work without being responsible to the workers for the
6 provisions of the Nebraska Workers' Compensation Act shall be included in
7 the term employer, and with the immediate employer shall be jointly and
8 severally liable to pay the compensation herein provided for and be
9 subject to all the provisions of such act. This section, however, shall
10 not be construed as applying to an owner who lets a contract to a
11 contractor in good faith, or a contractor, who, in good faith, lets to a
12 subcontractor a portion of his or her contract, if the owner or principal
13 contractor, as the case may be, requires the contractor or subcontractor,
14 respectively, to procure a policy or policies of insurance from an
15 insurance company licensed to write such insurance in this state, which
16 policy or policies of insurance shall guarantee payment of compensation
17 according to the Nebraska Workers' Compensation Act to injured workers.
18 When any person, firm, or corporation lets a portion of a contract to a
19 contractor or subcontractor for work ordinarily done by employees of the
20 person, firm, or corporation without requiring the contractor or
21 subcontractor to procure a policy or policies of insurance from an
22 insurance company licensed to write such insurance to guarantee payment
23 of compensation to injured workers according to the Nebraska Workers'
24 Compensation Act, the contractor or subcontractor shall be included in
25 the term employee for purposes of the act.

26 Sec. 2. Original section 48-116, Reissue Revised Statutes of
27 Nebraska, is repealed.