

HOUSE BILL 581

By McDaniel

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-103(a), is amended by deleting the language "any employee who is a corporate officer of the employer" and substituting instead the language "any employee of the employer who has an exemption pursuant to §§ 50-6-104, 50-6-135, or part 9 of this chapter."

SECTION 2. Tennessee Code Annotated, Section 50-6-103(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) The election by any employee who is a corporate officer of the employer, or by an employee pursuant to § 50-6-135 or part 9 of this chapter to be exempted from this chapter, shall not reduce the number of employees of the employer for the purposes of determining the requirements of coverage of the employer under this chapter.

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 6, Part 1, is amended by adding the following new section thereto:

50-6-135.

(a) An individual may file an application with the department of labor and workforce development requesting that such individual be exempt from this chapter if the individual is a member of a recognized religious sect or division and is an adherent of established tenets or teachings of such sect or division by reason of which the individual is conscientiously opposed to acceptance of the benefits provided by this chapter.

(b) The exemption described in subsection (a) may be granted by the department of labor and workforce development only if the application is accompanied by:

(1) A copy of an approved Internal Revenue Service Form 4029, or similar form used by the Internal Revenue Service, to evidence that the individual applying for an exemption pursuant to subsection (a) has submitted an application for exemption from social security and medicare taxes and waiver of benefits and such application has been approved; and

(2) An affidavit signed by the individual applying for an exemption attesting to a waiver of all benefits provided by this chapter.

(c) Information required to be submitted pursuant to subsection (b) shall be provided in a manner as determined by the department.

(d) Any individual who obtains an exemption pursuant to this section and who, after obtaining such exemption then revokes such exemption, shall give notice to that effect in accordance with a form designed by the department.

(e) Every individual who obtains an exemption pursuant to this section, in any action to recover damages for personal injury or death by accident brought against an employer who has elected to operate under this chapter, shall proceed as at common law, and the employer in the suit may make use of all common law defenses.

(f) Notwithstanding any provision of this section to the contrary, this section shall not apply to any individual engaged in the construction industry, as

defined by § 50-6-901; instead, part 9 of this chapter shall apply to such individual.

SECTION 4. Tennessee Code Annotated, Section 50-6-903, is amended by adding the following new subsection thereto:

(d) A construction services provider who is an individual and who does not meet the criteria established in subsection (a), but who is a member of a recognized religious sect or division and is an adherent of established tenets or teachings of such sect or division by reason of which such construction services provider is conscientiously opposed to acceptance of the benefits provided by this chapter may apply for an exemption from § 50-6-902(a).

SECTION 5. Tennessee Code Annotated, Section 50-6-904(a)(2), is amended by adding the following new subdivision thereto:

(J) If the construction services provider is applying for an exemption pursuant to the criteria set out in § 50-6-903(d), the provider shall submit a copy of an approved Internal Revenue Service Form 4029, or similar form used by the Internal Revenue Service to show that an application for exemption from social security and medicare taxes and waiver of benefits has been approved for such provider applying for an exemption pursuant to this part.

SECTION 6. Tennessee Code Annotated, Section, 50-6-904(a)(2)(F), is amended by adding the language “provided that if a construction services provider is applying for an exemption pursuant to § 50-6-903(d), such applicant shall not be required to submit the last four (4) digits of the applicant’s social security number;”

SECTION 7. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it, for all other purposes, this act shall take effect January 1, 2012.