**A** **BILL**

TO AMEND SECTION 42‑1‑130 OF THE 1976 CODE, RELATING TO THE DEFINITION OF EMPLOYEE FOR WORKERS’ COMPENSATION PURPOSES, TO INCLUDE VOLUNTEER CHAPLAINS AT ANY MUNICIPAL, COUNTY, OR STATE LAW ENFORCEMENT AGENCY WITHIN THE DEFINITION FOR PURPOSES OF WORKERS’ COMPENSATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 42‑1‑130 of the 1976 Code is amended to read:

“Section 42‑1‑130. The term ‘employee’ means every person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, but excludes a person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer; and as relating to those employed by the State, the term “employee” includes all members of the South Carolina State and National Guard while performing duties in connection with the membership except duty performed pursuant to Title 10 and Title 32 of the United States Code; all volunteer state constables appointed pursuant to Section 23‑1‑60, while performing duties in connection with their appointments and authorized by the State Law Enforcement Division; all volunteer chaplains performing their duties as a chaplain for any municipal, county, or state law enforcement agency; and all officers and employees of the State, except those elected by the people, or by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate; and as relating to municipal corporations and political subdivisions of the State, the term ‘employee’ includes all officers and employees of municipal corporations and political subdivisions, except those elected by the people or elected by the council or other governing body of any municipal corporation or political subdivision, who act in purely administrative capacities and are to serve for a definite term of office. Any reference to an employee who has been injured or when the employee is dead, includes also his legal representative, dependents, and other persons to whom compensation may be payable.

Any sole proprietor or partner of a business whose employees are eligible for benefits under this title may elect to be included as employees under the workers’ compensation coverage of the business if they are actively engaged in the operation of the business and if the insurer is notified of their election to be included. Any sole proprietor or partner, upon this election, is entitled to employee benefits and is subject to employee responsibilities prescribed in this title.”

SECTION 2. This act takes effect upon approval by the Governor.

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