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DR 17-1183

Representative Hill of Wolcott moves that the bill be amended as follows:

First: In Sec. 2, 21 V.S.A. § 601, after subdivision (31), by inserting subdivisions (32)–(34) to read as follows:

(32) “Construction services” means the construction, alteration, movement, enlargement, replacement, repair, maintenance, reconstruction, rehabilitation, remediation, removal, excavation, or demolition of any road, highway, bridge, building, or structure, or any improvement connected or attached to a road, highway, bridge, building, or structure.

(33) “Commercial construction site” means a location at which construction services are performed in relation to any road, highway, bridge, building, or structure, or any improvement connected or attached to a road, highway, bridge, building, or structure, except for a detached one- or two-family dwelling.

(34) “Independent truck owner-operator” means a person that operates a truck or tractor-trailer for the purpose of transporting goods or materials to or from a commercial construction site who:

(A) operates a separate and distinct business from the persons performing construction services at the commercial construction site;

(B) holds itself out as in business for itself and offers its services to the general public;

1           (C) owns or leases the truck or tractor-trailer; and  
2           (D) is responsible for the maintenance and operating costs of the  
3 truck or tractor-trailer, including fuel, repairs, insurance, and related costs.

4           Second: After Sec. 2, 21 V.S.A. § 601, by adding a Sec. 2a to read as  
5 follows:

6           Sec. 2a. 21 V.S.A. § 617 is added to read:

7           § 617. COMMERCIAL CONSTRUCTION; MANDATORY PROVISION  
8           OF WORKERS' COMPENSATION

9           (a) Notwithstanding any provision of this chapter to the contrary, all  
10 individuals performing construction services on a commercial construction  
11 site, except for an independent truck owner-operator, shall be covered by  
12 workers' compensation insurance pursuant to section 687 of this chapter.

13           (b) Notwithstanding section 612 of this chapter, a corporate executive  
14 officer or L.L.C. manager or member that is performing construction services  
15 on a commercial construction site shall have workers' compensation coverage  
16 pursuant to the requirements of this chapter during the time that he or she is  
17 performing the construction services.

18           Third: In Sec. 6, 21 V.S.A. § 612, in subsection (a), following the words  
19 “With the approval of the Commissioner” by inserting , and except as  
20 otherwise prohibited pursuant to section 617 of this chapter,