

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

661W0085

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to provide for an affidavit creating a rebuttable presumption
2 that a person is not an employee for purposes of workers compensation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 62-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is not required to be covered under a workers compensation insurance
7 policy may execute an affidavit of exempt status under the South Dakota Workers'
8 Compensation Law. The execution of an affidavit of exempt status creates a rebuttable
9 presumption that the executor is not an employee for the purposes of the South Dakota Workers'
10 Compensation Act and the person possessing the affidavit is not responsible for a workers
11 compensation claim made by the executor of the affidavit.

12 Section 2. That chapter 62-1 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The affidavit must be on a form prescribed by the Director of the Division of Insurance and
15 must be notarized. The Director of the Division of Insurance may promulgate rules pursuant to
16 Chapter 1-26 to provide definitions, the form and process for filing the affidavit, and



1 documentation required for filing an affidavit of exemption from the South Dakota Workers'
2 Compensation Law.

3 Section 3. That chapter 62-1 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any person who knowingly provides false information on an affidavit of exempt status
6 under the South Dakota Workers' Compensation Law is guilty of a Class 2 misdemeanor.

DRAFT