

Enrolled
House Bill 2223

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to coverage of successor employers by Oregon Safe Employment Act; creating new provisions; amending ORS 654.005; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 654.005 is amended to read:

654.005. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Workers' Compensation Board created by ORS 656.712.
- (2) "Department" means the Department of Consumer and Business Services.
- (3) "Director" means the Director of the Department of Consumer and Business Services.
- (4) "Employee" [means] **includes:**

(a) Any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise, subject to the direction and control of an employer[, and includes].

(b) Salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations[, or].

(c) Any individual who is provided with workers' compensation coverage as a subject worker pursuant to ORS chapter 656, whether by operation of law or by election.

- (5) "Employer" [means] **includes:**

(a) Any person who has one or more employees[, or].

(b) Any sole proprietor or member of a partnership who elects workers' compensation coverage as a subject worker pursuant to ORS 656.128.

(c) Any successor or assignee of an employer. As used in this paragraph, "successor" means a business or enterprise that is substantially the same entity as the predecessor employer according to criteria adopted by the department by rule.

(6) "Owner" means [and includes] every person having ownership, control or custody of any place of employment or of the construction, repair or maintenance of any place of employment.

(7) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, [or] any organized group of persons, [and includes] the state, state agencies, counties, municipal corporations, school districts and other public corporations or subdivisions.

- (8)(a) "Place of employment" [means and] includes:

(A) Every place, whether fixed or movable or moving, whether indoors or out or underground, and the premises and structures appurtenant thereto, where either temporarily or permanently an employee works or is intended to work; and

(B) Every place where there is carried on any process, operation or activity related, either directly or indirectly, to an employer's industry, trade, business or occupation, including a labor camp, wherever located, provided by an employer for employees or by another person engaged in providing living quarters or shelters for employees.

(b) "Place of employment" does not include:

[(a)] (A) Any place where the only employment involves nonsubject workers employed in or about a private home; and

[(b)] (B) Any corporate farm where the only employment involves the farm's family members, including parents, spouses, sisters, brothers, daughters, sons, daughters-in-law, sons-in-law, nieces, nephews or grandchildren.

SECTION 2. The amendments to ORS 654.005 by section 1 of this 2007 Act apply to successors created or assignments made on or after the effective date of this 2007 Act.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House April 2, 2007

Received by Governor:

Repassed by House June 4, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate May 31, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State