

(In effect as of January 1, 2006\*)  
 TABLE 2. NUMERICAL EXEMPTIONS

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Jurisdictions Making No Numerical Exemptions

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Alaska	Nevada <u>9</u> /
Arizona	New Hampshire
California	New Jersey
Connecticut	New York
Delaware	North Dakota
District of Columbia	Ohio
Hawaii <u>3</u> /	Oklahoma <u>12</u> /
Idaho	Oregon
Illinois <u>4</u> /	Pennsylvania
Indiana	Puerto Rico
Iowa	Rhode Island <u>13</u> /
Kansas <u>5</u> /	South Dakota
Kentucky	Texas <u>17</u> /
Louisiana	Utah
Maine <u>6</u> /	Vermont
Maryland	Virgin Islands
Massachusetts	Washington
Minnesota	West Virginia <u>15</u> /
Montana	Wyoming
Nebraska <u>8</u> /	United States**:
	FECA
	LHWCA

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Jurisdictions in which employers are exempt who employ fewer than:

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<u>1 employee</u>	<u>3 employees</u>	<u>4 employees</u>	<u>5 employees</u>
Colorado	Arkansas <u>1</u>	South Carolina	Alabama
	Georgia	Florida <u>2</u> /	Mississippi
	Michigan		Missouri <u>7</u> /
	New Mexico <u>10</u> /		Tennessee <u>14</u> /
	North Carolina <u>11</u> /		
	Virginia		
	Wisconsin <u>16</u> /		

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\*See Introduction page.

\*\*Federal Employees' Compensation Act;  
 Longshore and Harbor Workers' Compensation Act.

TABLE 2. NUMERICAL EXEMPTIONS (cont.)

**Footnotes:**

- 1/ **Arkansas:** Employment in which two or more employees are employed by any person engaged in building or building repair work is covered. Also covered is employment in which one or more employees is employed by a subcontractor or by a contractor who subcontracts any part of his contract. Sole proprietors or partners who devote full time to the business are covered unless elect not to be covered. Executive officers of corporation or self-insured employers may waive coverage but must provide coverage for employees of business even if such waiver reduces number of employees to less than three.
- 2/ **Florida:** Real estate salespersons and brokers whose earnings are solely commissions are exempt from workers' compensation coverage. Employers in the construction industry with one or more employees are required to carry workers' compensation insurance. Florida statute excludes some individuals from the definition of "employee," including, under certain circumstances, owner-operators of motor vehicles transporting property and passenger vehicle-for-hire drivers.
- 3/ **Hawaii:** Real estate salespersons and brokers whose earnings are solely commissions are exempt from workers' compensation coverage.
- 4/ **Illinois:** A numerical exemption of two or less employees is applicable to "carriage by land, water, or aerial service and loading or unloading in connection therewith . . ."
- 5/ **Kansas:** Employers are exempt if they have a total gross annual payroll of less than \$20,000 for all workers.
- 6/ **Maine:** Employers of agricultural or aquacultural laborers are exempt if employer has six or fewer workers, or more than six workers but total hours worked by all does not exceed 240 hours in a week, and has not exceeded 240 hours anytime during the 52 weeks preceding injury, and employer maintains required liability and medical coverage.
- 7/ **Missouri:** Employers in the construction industry with one or more employees are required to carry workers' compensation insurance.
- 8/ **Nebraska:** Employers engaged in an agricultural operation are required to provide workers' compensation insurance coverage for all unrelated, full-time employees on each working day for 13 calendar weeks whether consecutive or not during any calendar year. This includes employees at all locations of the agricultural operation.
- 9/ **Nevada:** Nevada Exemptions:  
TABLE 2. NUMERICAL EXEMPTIONS (cont.)

"Employee" excludes:

1. Any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer.

2. Any person engaged as a theatrical or stage performer or in an exhibition.

3. Musicians when their services are merely casual in nature and not lasting more than 2 consecutive days, and not recurring for the same employer, as in wedding receptions, private parties and similar miscellaneous engagements.

4. Any person engaged in household domestic service, farm, dairy, agricultural or horticultural labor, or in stock or poultry raising, except as otherwise provided in chapters 616A to 616D, inclusive, of NRS.

5. Any person performing services as a voluntary ski patrolman who receives no compensation for his services other than meals, lodging, or use of the ski tow or lift facilities.

6. Any person who performs services as a sports official for a nominal fee at a sporting event that is amateur, intercollegiate or interscholastic and is sponsored by a public agency, public entity or private, nonprofit organization. As used in this subsection, "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper or other person who is a neutral participant in a sporting event.

7. Any clergyman, rabbi or lay reader in the service of a church, or any person occupying a similar position with respect to any other religion.

8. Any real estate broker, broker-salesman or salesman licensed pursuant to chapter 645 of NRS.

9. Any person who:

(a) Directly sells or solicits the sale of products, in person or by telephone:

(1) On the basis of a deposit, commission, purchase for resale or similar arrangement specified by the Administrator by regulation, if the products are to be resold to another person in his home or place other than a retail store; or

(2) To another person from his home or place other than a retail store;

(b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that he works; and

(c) Performs pursuant to a written agreement with the person for whom the services are performed which provides that he is not an employee for the purposes of this chapter.

NRS 616A.110. See also Temporary Employees under NRS 616B.600; Independent Enterprises under NRS 616B.603; Real Estate Brokers and Salesmen under NRS 616B.606; certain officers/managers of quasi-public, private corporation or limited liability companies under NRS 616B.624; Sole Proprietors under NRS 616B.659;

10/ **New Mexico:** All employers required to license in construction industries are covered, regardless of number of employees.

TABLE 2. NUMERICAL EXEMPTIONS (cont.)

11/ **North Carolina:** The Act exempts individual sawmill and logging

operators with less than 10 employees, operating less than 60 days in six consecutive months and whose principal business is unrelated to sawmills.

- 12/ **Oklahoma:** An employer with five (5) or less total employees, all of whom are related by blood or marriage to the employer, will be exempt from the Workers' Compensation Act.
- 13/ **Rhode Island:** Licensed real estate brokers or salespersons, or licensed or certified real estate appraisers are exempt if substantially all remuneration for services performed is directly related to sales or other output rather than the number of hours worked.
- 14/ **Tennessee:** All subcontractors and anyone engaged in the construction industry shall be required to carry workers' compensation insurance, even if they have five employees or less.
- 15/ **West Virginia:** Casual employers who employ fewer than 3 employees are exempt and agricultural services who employ fewer than 5 employees are exempt.
- 16/ **Wisconsin:** Employers, other than farmers, who usually have less than three employees but who have paid wages of \$500 or more in any calendar quarter for work performed within the State are covered the tenth (10<sup>th</sup>) day of the next calendar quarter.
- 17/ **Texas:** Coverage not mandatory, except for governmental entities and construction contracts for governmental entities.