

1 **DRAFT DLI PROPOSALS FOR 2025 LEGISLATIVE SESSION**

2
3 **176.011 DEFINITIONS.**

4
5 **[For subdivisions 1-10, see M.S.]**

6 Subd. 11. **Executive officer of a corporation.** "Executive officer of a corporation" means any
7 officer of a corporation elected or appointed in accordance with its charter or bylaws, or pursuant to
8 section 302A.011, subdivision 18.

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10 **176.041 EXCLUDED EMPLOYMENTS; APPLICATION, EXCEPTIONS, ELECTION OF**
11 **COVERAGE.**

12 Subd. 1a. **Election of coverage.**

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14 The persons, limited liability companies, and corporations described in this subdivision may elect
15 to provide the insurance coverage required by this chapter.

16 (a) An owner or owners of a business or farm may elect coverage for themselves.

17 (b) A partnership owning a business or farm may elect coverage for any partner.

18 (c) A family farm corporation as defined in section 500.24, subdivision 2, clause (c), may elect
19 coverage for any executive officer.

20 (d) A closely held corporation which had less than 22,880 hours of payroll in the previous calendar
21 year may elect coverage for any executive officer if that executive officer is also an owner of at least 25
22 percent of the stock of the corporation.

23 (e) A limited liability company which had less than 22,880 hours of payroll in the previous
24 calendar year may elect coverage for any manager if that manager is also an owner of at least 25 percent
25 membership interest in the limited liability company.

26 (f) A person, partnership, limited liability company, or corporation hiring an independent
27 contractor, as defined by rules adopted by the commissioner, may elect to provide coverage for that
28 independent contractor. A person, partnership, limited liability company, or corporation may charge the
29 independent contractor a fee for providing the coverage only if the independent contractor (1) elects in
30 writing to be covered, (2) is issued an endorsement setting forth the terms of the coverage, the name of
31 the independent contractors, and the fee and how it is calculated.

32 (g) The persons, partnerships, limited liability companies, and corporations described in this
33 subdivision may also elect coverage for an employee who is a spouse, parent, or child, regardless of age,
34 of an owner, partner, manager, or executive officer, who is eligible for coverage under this subdivision.
35 Coverage may be elected for a spouse, parent, or child whether or not coverage is elected for the related
36 owner, partner, manager, or executive director and whether or not the person, partnership, limited
37 liability company, or corporation employs any other person to perform a service for hire. Any person for
38 whom coverage is elected pursuant to this subdivision shall be included within the meaning of the term
39 employee for the purposes of this chapter.

40 (h) Notice of election of coverage or of termination of election under this subdivision shall be
41 provided in writing to the insurer. Coverage or termination of coverage is effective the day following
42 receipt of notice by the insurer or at a subsequent date if so indicated in the notice. The insurance policy
43 shall be endorsed to indicate the names of those persons for whom coverage has been elected or
44 terminated under this subdivision. An election of coverage under this subdivision shall continue in effect
45 as long as a policy or renewal policy of the same insurer is in effect.

46 (i) Nothing in this subdivision shall be construed to limit the responsibilities of owners,
47 partnerships, limited liability companies, or corporations to provide coverage for their owners, partners,
48 managers, executive officers, or employees, if any, as required under this chapter.

49 **176.151 TIME LIMITATIONS.**

50 The time within which the following acts shall be performed shall be limited to the following
51 periods, respectively:

52 (a) Actions or proceedings by an injured employee to determine or recover compensation, three
53 years after ~~the employer has made a~~ written report of the injury has been made to the commissioner of
54 the Department of Labor and Industry, but not to exceed six years from the date of the accident.

55 (b) Actions or proceedings by dependents to determine or recover compensation, three years
56 after the receipt by the commissioner of the Department of Labor and Industry of written notice of death,
57 given by the employer, but not to exceed six years from the date of injury, provided, however, if the
58 employee was paid compensation for the injury from which the death resulted, such actions or
59 proceedings by dependents must be commenced within three years after the receipt by the commissioner
60 of the Department of Labor and Industry of written notice of death, given by the employer, but not to
61 exceed six years from the date of death. In any such case, if a dependent of the deceased, or any one in
62 the dependent's behalf, gives written notice of such death to the commissioner of the Department of
63 Labor and Industry, the commissioner shall forthwith give written notice to the employer of the time and
64 place of such death. In case the deceased was a native of a foreign country and leaves no known
65 dependent within the United States, the commissioner of the Department of Labor and Industry shall
66 give written notice of the death to the consul or other representative of the foreign country forthwith.

67 (c) In case of physical or mental incapacity, other than minority, of the injured person or
68 dependents to perform or cause to be performed any act required within the time specified in this
69 section, the period of limitation in any such case shall be extended for three years from the date when
70 the incapacity ceases.

71 (d) In the case of injury caused by x-rays, radium, radioactive substances or machines, ionizing
72 radiation, or any other occupational disease, the time limitations otherwise prescribed by Minnesota
73 Statutes 1961, chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give
74 notice to the employer and commence an action within three years after the employee has knowledge of
75 the cause of such injury and the injury has resulted in disability.

76 **176.421 APPEALS TO WORKERS' COMPENSATION COURT OF APPEALS.**

77
78 [For subdivisions 1-3, see M.S.]

79 Subd. 4. **Service and filing of notice; cost of transcript.** Within the 30-day period for taking an
80 appeal, the appellant shall:

81 (1) serve a copy of the notice of appeal on each adverse party; and

82 (2) pursuant to section 176.285, file the original notice of appeal, with proof of service by admission
83 or affidavit, with the chief administrative law judge ~~and file a copy with the commissioner.~~

84 In order to defray the cost of the preparation of the record of the proceedings appealed from, each
85 appellant and cross-appellant shall pay to the commissioner of management and budget, Office of
86 Administrative Hearings account the sum of \$25. The filing fee must be received by the Office
87 of Administrative Hearings within ten business days after the end of the appeal period. If the filing fee
88 is not received within ten days after the appeal period, the appeal is not timely filed.

89 The first party to file an appeal is liable for the original cost of preparation of the transcript.
90 Cross-appellants or any other persons requesting a copy of the transcript are liable for the cost of the
91 copy. The chief administrative law judge may require payment for transcription costs to be made in
92 advance of the transcript preparation. The cost of a transcript prepared by a nongovernmental source
93 shall be paid directly to that source and shall not exceed the cost that the source would be able to charge
94 the state for the same service.

95 Upon a showing of cause, the chief administrative law judge may direct that a transcript be prepared
96 without expense to the party requesting its preparation, in which case the cost of the transcript shall be
97 paid by the Office of Administrative Hearings.

98 All fees received by the Office of Administrative Hearings for the preparation of the record for
99 submission to the Workers' Compensation Court of Appeals or for the cost of transcripts prepared by the
100 office shall be deposited in the Office of Administrative Hearings account in the state treasury and shall
101 be used solely for the purpose of keeping the record of hearings conducted under this chapter and the
102 preparation of transcripts of those hearings.

103
104 [For subdivisions 5-7, see M.S.]

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106 **Repealer**

107 Minnesota Rules, part 5220.2840 is repealed.