

(II) "MIGRANT FARM WORKER" DOES NOT INCLUDE AN INDIVIDUAL WHO PERFORMS A SERVICE INCLUDED IN SUBSECTION (B) OF THIS SECTION IF THE INDIVIDUAL:

- AND
1. DOES NOT OPERATE EQUIPMENT OR MACHINERY;
 2. IS EMPLOYED:
 - A. WITHIN 25 MILES OF THE PERMANENT RESIDENCE OF THE INDIVIDUAL; AND
 - B. FOR NOT MORE THAN 13 WEEKS A YEAR.

(B) COVERED EMPLOYEE.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL, INCLUDING A MIGRANT FARM WORKER, IS A COVERED EMPLOYEE IF:

(1) THE INDIVIDUAL RECEIVES COMPENSATION FROM A FARMER FOR ANY SERVICE OTHER THAN OFFICE WORK, INCLUDING:

- (I) OPERATING A MACHINE CONNECTED WITH ANIMAL, CROP, OR SOIL MANAGEMENT;
- (II) CONSTRUCTING OR REPAIRING A FIXTURE OR MACHINE; OR
- (III) HANDLING AN ANIMAL OR CROP WITH OR WITHOUT A MACHINE; AND

(2) THE FARMER HAS:

- (I) AT LEAST 3 FULL-TIME EMPLOYEES; OR
- (II) AN ANNUAL PAYROLL OF AT LEAST \$15,000 FOR FULL-TIME EMPLOYEES.

REVISOR'S NOTE: Subsection (a)(1) of this section is new language added as the standard introduction to a definition section.

Subsections (a)(2) through (b) of this section are new language derived without substantive change from former Art. 101, § 21(b)(8).

The introductory language of subsection (b)(1) of this section retains the reference, in the first sentence of former Art. 101, § 21(b)(8), to compensation "from a farmer". The reference to compensation "from a farmer" was added by Ch. 105, Acts of 1985, which, by its title, was enacted "[for] the purpose of clarifying Chapter 751 of the Acts of the General Assembly of 1984". Some farmers and insurance carriers interpreted the reference to mean that an individual who is paid by a crew leader, rather than a farmer, is not a covered employee. See Bill Files for H.B. 106 (1985) and H.B. 1087 (1986). At least