

Amendment to SB 655

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to employee leasing companies, workers' compensation coverage options, and  
4 a minimum wage exemption for minor league baseball players.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Paragraph; Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9 by  
9 inserting after paragraph II the following new paragraph:

10 II-a. The parties to the co-employment relationship may elect for the client company to  
11 provide workers' compensation insurance coverage to leased employees. All leasing arrangements  
12 between employee leasing companies and client companies shall detail whether the employee leasing  
13 company or client company is responsible for securing and maintaining workers' compensation  
14 insurance coverage to leased employees. However, regardless of election, workers compensation  
15 insurance coverage must be in place for all leased employees. When the client company elects to  
16 purchase and maintain workers' compensation insurance:

17 (a) The client company shall provide notification to its employees that it is the employer  
18 providing workers' compensation insurance coverage, in a manner prescribed by the commissioner;  
19 and

20 (b) The employee leasing company shall provide the commissioner with the following  
21 information about the client company policy within 30 days of the election, and when the employee  
22 leasing company applies for an initial, renewal, or restricted license:

- 23 (1) The client company name;
- 24 (2) The name of the insurance carrier;
- 25 (3) The effective date of the policy;
- 26 (4) The expiration date of the policy; and
- 27 (5) The workers' compensation policy number.

28 2 Employee Leasing Companies; Exclusive and Vicarious Liability. Amend RSA 277-B:10 to  
29 read as follows:

30 277-B:10 Exclusivity and Vicarious Liability. An employee leasing company and its client  
31 company shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8 **regardless of**  
32 **which entity purchases the workers' compensation insurance**, and the employee leasing

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1 company shall not be vicariously liable for the actions or omissions of the client company and the  
2 client company shall not be vicariously liable for the actions or omissions of the employee leasing  
3 company. Nothing in this section shall prohibit any direct contractual liability between the  
4 employee leasing company and the client company, nor shall the same limit any liability or  
5 responsibility imposed by this chapter.

6 3 New Paragraph; Employee Leasing Companies; Penalties. Amend RSA 277-B:12 by inserting  
7 after paragraph V the following new paragraph:

8 VI. If a client company has elected to purchase and maintain workers' compensation  
9 coverage for leased employees and fails to comply with the provisions of RSA 281-A:5 by not securing  
10 payment of compensation, the client company shall be subject to the penalties contained in RSA 281-  
11 A:7.

12 4 Minimum Wage; Overtime and Recordkeeping Exemption; Minor League Baseball Players.  
13 Amend the introductory paragraph of RSA 279:1, X to read as follows:

14 X. "Employee" means and includes every person who may be permitted, required, or directed  
15 by any employer, in consideration of direct or indirect gain or profit, to engage in any employment,  
16 but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2,  
17 VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), ***or any person who has entered into a contract to***  
18 ***play baseball at a minor league level and who is compensated pursuant to the terms of a***  
19 ***collective bargaining agreement that expressly provides for wages and working conditions,***  
20 or a person providing services as part of a residential placement for individuals with developmental,  
21 acquired, or emotional disabilities, or any person who meets all of the following criteria:

22 5 Repeal. RSA 277-B:9, I(e), relative to the responsibility of employee leasing companies to pay  
23 for workers' compensation insurance for leased employees, is repealed.

24 6 Effective Date. This act shall take effect 60 days after its passage.

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2026-1160s

AMENDED ANALYSIS

This bill:

I. Authorizes the parties of a co-employment relationship to elect for either the client company or the employee leasing company to provide workers' compensation coverage for leased employees, establishes reporting and notice requirements when the client company elects coverage, and imposes penalties if the client company fails to secure required coverage.

II. Adds a minimum wage exemption for minor league baseball players covered by a collective bargaining agreement.