

CHAPTER 146
SB 655 - FINAL VERSION

03/26/2026 1160s

2026 SESSION

26-3263
04/05

SENATE BILL

655

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

SPONSORS: Sen. Innis, Dist 7; Sen. Rochefort, Dist 1; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Ward, Dist 8; Sen. McGough, Dist 11; Rep. Labrie, Hills. 2; Rep. Peternel, Carr. 6

COMMITTEE: Commerce

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.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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SB 655 - FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

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

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 146:1 New Paragraph; Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9 by
2 inserting after paragraph II the following new paragraph:

3 II-a. The parties to the co-employment relationship may elect for the client company to provide
4 workers' compensation insurance coverage to leased employees. All leasing arrangements between
5 employee leasing companies and client companies shall detail whether the employee leasing company or
6 client company is responsible for securing and maintaining workers' compensation insurance coverage to
7 leased employees. However, regardless of election, workers' compensation insurance coverage must be
8 in place for all leased employees. When the client company elects to purchase and maintain workers'
9 compensation insurance:

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

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

- 15 (1) The client company name;
16 (2) The name of the insurance carrier;
17 (3) The effective date of the policy;
18 (4) The expiration date of the policy; and
19 (5) The workers' compensation policy number.

20 146:2 Employee Leasing Companies; Exclusive and Vicarious Liability. Amend RSA 277-B:10 to
21 read as follows:

22 277-B:10 Exclusivity and Vicarious Liability. An employee leasing company and its client company
23 shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8 ***regardless of which entity***
24 ***purchases the workers' compensation insurance***, and the employee leasing company shall not be
25 vicariously liable for the actions or omissions of the client company and the client company shall not be
26 vicariously liable for the actions or omissions of the employee leasing company. Nothing in this section
27 shall prohibit any direct contractual liability between the employee leasing company and the client
28 company, nor shall the same limit any liability or responsibility imposed by this chapter.

29 146:3 New Paragraph; Employee Leasing Companies; Penalties. Amend RSA 277-B:12 by inserting
30 after paragraph V the following new paragraph:

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

4 146:4 Minimum Wage; Overtime and Recordkeeping Exemption; Minor League Baseball Players.
5 Amend the introductory paragraph of RSA 279:1, X to read as follows:

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

14 146:5 Repeal. RSA 277-B:9, I(e), relative to the responsibility of employee leasing companies to pay
15 for workers' compensation insurance for leased employees, is repealed.

146:6 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 12, 2026
Effective Date: August 11, 2026