

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 127
HOUSE BILL 751

AN ACT TO ALLOW A CONTRACT BETWEEN A REAL ESTATE BROKER AND A REAL ESTATE SALESMAN TO INCLUDE A PROVISION TO REIMBURSE THE REAL ESTATE BROKER FOR THE COST OF INCLUDING THE SALESMAN UNDER THE BROKER'S WORKERS' COMPENSATION COVERAGE OF THE BROKER'S BUSINESS.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 93A of the General Statutes is amended by adding a new section to read:

"§ 93A-11. Reimbursement by real estate independent contractor of brokers' workers' compensation.

(a) Notwithstanding the provisions of G.S. 97-21 or any other provision of law, a real estate broker may include in the governing contract with a real estate salesman whose nonemployee status is recognized pursuant to section 3508 of the United States Internal Revenue Code, 26 U.S.C. § 3508, an agreement for the salesman to reimburse the broker for the cost of covering that salesman under the broker's workers' compensation coverage of the broker's business.

(b) Nothing in this section shall affect a requirement under any other law to provide workers' compensation coverage or in any manner exclude from coverage any person, firm, or corporation otherwise subject to the provisions of Article 1 of Chapter 97 of the General Statutes."

Sec. 2. This act is effective upon ratification and applies to any governing contract between a real estate broker and a real estate salesman entered into on or after that date.

In the General Assembly read three times and ratified this the 30th day of May, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives