

Repeal from: 39-71-118 **Employee, worker, volunteer, and volunteer firefighter**

defined. (1) As used in this chapter, the term "employee" or "worker" means:

....

(2) The terms defined in subsection (1) do not include a person who is:

~~(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment;~~

Insert in 39-71-407 **Liability of insurers -- limitations.**

....

(2) Regarding breaks or activities as described in this subsection (2), an injury does not arise out of and in the course of employment when the employee is:

(a) on a paid or unpaid break, is not at a worksite of the employer, and is not performing any specific tasks for the employer during the break; or

(b) engaged in a social or recreational activity, regardless of whether the employer pays for any portion of the cost of the activity. The exclusion from coverage of this subsection (2)(b) does not apply to an employee who, at the time of the injury, is either on paid time while participating in a social or recreational activity, or whose presence at the activity is required or requested by the employer. For purposes of this subsection (2)(b), "requested" means the employer asked the employee to assume duties for the activity such that the employee's presence is not completely voluntary and optional and the injury occurred in the performance of those duties.