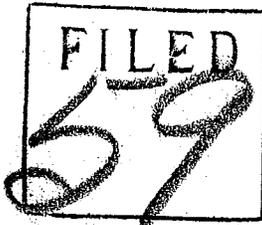


WORKMEN'S COMPENSATION: Fairfax Community Hospital, an incor-
CORPORATIONS: porated, non-profit, charitable institu-
CHARITABLE CORPORATIONS: tion is an "employer" within terms of
Missouri's Workmen's Compensation Law.



August 26, 1955

Honorable Fred R. McMahon
Member, Missouri House of Representatives
Atchison County
Fairfax, Missouri

Dear Mr. McMahon:

This opinion is in answer to your recent inquiry which may be summarized as follows:

The Fairfax Community Hospital is an incorporated, non-profit organization now employing about fifty people. Query: Is such hospital compelled to carry workmen's compensation insurance on such employees?

For the purpose of this opinion we assume that Fairfax Community Hospital is a non-profit, charitable organization. Section 287.280, RSMo 1949, of Missouri's Workmen's Compensation Law, provides, in part, as follows:

"Every employer electing to accept the provisions of this chapter, shall insure his entire liability thereunder except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer may himself carry the whole or any part of such liability without insurance upon satisfying the commission of his ability so to do.

* * *

Honorable Fred R. McMahon

The applicability of the Workmen's Compensation Law to charitable institutions was before the St. Louis Court of Appeals in the case of Hope v. Barnes Hospital, 55 S.W. (2d) 319, 227 Mo. App. 1055, and the Court spoke as follows at 227 Mo. App. 1.c. 1062:

"Furthermore, it is significant that the definition of the term 'employer' in Section 3304, Revised Statutes 1929 (12 Mo. St. Ann., sec. 3304, p. 8238), is so comprehensive as to include within its scope an institution such as the employer herein; and there is nothing about the act as a whole which discloses a legislative purpose to have limited its application solely to industries and businesses within the ordinary sense of the word. Indeed, the Legislature in framing the act had many opportunities to have exempted charitable institutions from its operation if it had chosen to have done so, and the fact that no such exception was created warrants the fair assumption that it was the legislative intent to have brought such institutions within the act."

Section 3304, R.S. Mo. 1929, referred to in the above quotation from Hope v. Barnes Hospital, supra, remains unchanged at this date in Section 287.030, RSMo 1949.

CONCLUSION

It is the opinion of this office that Fairfax Community Hospital, an incorporated, non-profit, charitable institution is an "employer" as such term is defined in Section 287.030, RSMo 1949, of the Workmen's Compensation Law of Missouri, and is amenable to Section 287.280, RSMo 1949, requiring an employer under said Act to carry insurance on its employees.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Julian L. O'Malley.

Yours very truly,

JOHN M. DALTON
Attorney General

JLO'M:gm