

QUESTION: How do I prove to my client's customer that my client, a sole proprietor with no employees, is not required to carry Workers' Compensation insurance? The New York State Workers' Compensation Board does not provide a form for him to give to his customer.

ANSWER: There is not a form; there is only the text of the law. I would point out the following:

[Section 10 of the New York Workers Compensation Law](#), subsection 1:

1. Every employer subject to this chapter shall in accordance with this chapter ... secure compensation to his employees and pay or provide compensation for their disability or death from injury arising out of and in the course of the employment without regard to fault as a cause of the injury ...

[Section 2 of the New York Workers Compensation Law](#):

As used in this chapter, ...

3. "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association or corporation, having one or more persons in employment ...

5. "Employment" includes employment in a trade, business or occupation carried on by the employer for pecuniary gain, or in connection therewith

If an individual does not have "one or more persons in employment," he is not an employer. The requirement in Section 10, subsection 1 applies to "employers." If he's not an employer, he's not subject to the requirement.