

STATE OF CONNECTICUT
WORKERS' COMPENSATION COMMISSION

Building Permit Affidavit for Property Owners or Sole Proprietors
(Conn. Gen. Stat. § 31-286b)

Property located at _____

In the town of _____

Name of building permit applicant: _____

Please check one:

1. I am the owner of the above property.
2. I am the sole proprietor of a business.

2A. Name of business _____

2B. Federal Employer Identification Number (FEIN) _____

.....
Pursuant to § 31-286b, "a property owner or sole proprietor [who] intends to act as a general contractor or principal employer" may provide either a certificate of workers' compensation insurance or a "sworn notarized affidavit... stating that he will require proof of workers' compensation insurance for all those employed on the job site in accordance with this chapter."

Please check one:

1. I do not intend to act as a general contractor or principal employer.
[Sign and stop here]

Signature of applicant

2. I intend to act as a general contractor or principal employer. Applicant must either provide a certificate of workers' compensation insurance or sign the affidavit below.

.....
Affidavit

I hereby swear and attest that I will require proof of workers' compensation insurance for every contractor, subcontractor, or other worker before he/she engages in work on the above property in accordance with the Workers' Compensation Act (Chapter 568).

I understand that pursuant to § 31-275 C.G.S., officers of a corporation and partners in a partnership may elect to be excluded from coverage by filing a waiver with the appropriate District Office; and that a sole proprietor of a business is not required to have coverage unless he files his intent to accept coverage.

Signature of applicant

Subscribed and sworn to before me this _____ day of _____, 200__.

(Notary Public/ Commissioner of the Superior Court)

State of Connecticut
WORKERS' COMPENSATION COMMISSION

MEMORANDUM NO. 2000-12

TO: AFL-CIO; CBIA; City & Town Building Inspectors/Officials; City & Town Mayors/Selectmen/General Managers; City & Town Planning & Zoning Boards/Commissions; CT Conference of Municipalities; Construction Industry Associations; State Department of Public Works; State Department of Transportation; State Treasurer Investigations Unit; Unions; Workers' Compensation Advisory Board and Legal Advisory Panel; Workers' Compensation Commissioners

FROM: John A. Mastropietro, Chairman

DATE: November 1, 2000

RE: Revised Affidavit Regarding Issuance of Building Permit Pursuant to § 31-286b

Attached please find a revised "Building Permit Affidavit for Property Owners or Sole Proprietors" which was drafted to fulfill the statutory requirements of § 31-286b. Specifically, § 31-286b(a) provides:

Prior to issuing a building permit pursuant to § 29-263 to any person other than a sole proprietor or property owner unless such sole proprietor or property owner is acting as a general contractor or principal employer, a local building official shall require proof of workers' compensation coverage for all employees, as defined in section 31-275....

Section 31-286(b) lists the proof needed as:

(1) a written certificate of insurance provided by a general contractor or principal employer;

(2) a certificate from the Workers' Compensation Commission indicating that the general contractor or principal employer has chosen not to obtain workers' compensation coverage [NOTE: such a person still needs proof of workers' compensation coverage for all employees on the job site];

or (3) "if a property owner or sole proprietor intends to act as a general contractor or principal employer, a written certificate of insurance or a sworn notarized affidavit, which he shall provide, stating that he will require proof of workers' compensation insurance for all those employed on the job site in accordance with the provisions of this chapter."

The Commission is providing the attached Affidavit pursuant to this third section. Please note that, as always, the best means of ensuring that all workers have proper workers' compensation insurance is for the general contractor to obtain a certificate of insurance. However, § 31-286b(3) specifically provides that a property owner or sole proprietor intending to act as a general contractor or principal employer may instead demonstrate proper coverage for purposes of obtaining a building permit¹ *by personally attesting to the fact that all employees on the job site have proper workers' compensation insurance. We have revised the form so that a property owner or sole proprietor who does not intend to act as a general contractor or principal employer (i.e., is not overseeing the performance of the work and the work is not in his trade or business) does not need to sign the affidavit portion of the form.

We note that there have been many inquiries regarding the use of the affidavit when a worker is hired who claims to be a sole proprietor of a business and thus exempt from workers' compensation coverage under § 31-275(10). In such a case, the property owner or sole proprietor who has signed the affidavit needs some

form of proof from the worker claiming to be a sole proprietor, including the name of the sole proprietor's business, his Federal Employer Identification Number, and a signed statement from him that he is indeed a sole proprietor and has no employees and will not use any workers to assist him on the job site. If the hired sole proprietor intends to use any assistants at the job site, then he should have a workers' compensation policy for those workers.

For more information, you may contact your local Workers' Compensation Commission District Office or call the Commission's Education Services at 1-800-223-9675 or (860) 493-1500.

In addition to an original copy enclosed with this mailing, you can print and fill out the Building Permit Affidavit form online at: <http://wcc.state.ct.us/download/forms.htm>