

4800.

## APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN HARRISON COUNTY, OHIO.

COLUMBUS, OHIO, December 9, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4801.

## WORKMEN'S COMPENSATION—PRINCIPAL CONTRACTOR LIABLE FOR PREMIUM OF NON-COMPLYING SUB-CONTRACTOR—AWARD TO EMPLOYE OF SUCH SUB-CONTRACTOR MAY NOT BE CHARGED TO PRINCIPAL CONTRACTOR—ELECTION BY INJURED EMPLOYE TO HOLD SUB-CONTRACTOR.

## SYLLABUS:

*A principal contractor is responsible for the premium of his sub-contractor who is amenable to the workmen's compensation law but fails to comply with the provisions of section 1465-69 during said period of non-compliance on the part of said sub-contractor.*

*An award made to an injured employe or the dependents of an employe who is killed while working for a sub-contractor, who is amenable to the workmen's compensation law of Ohio but has failed to comply with the provisions thereof by either paying premiums into the state insurance fund or by electing to pay compensation direct, is payable from the state insurance fund and cannot be charged against the principal contractor. However, if the injured employe or the dependents of the employe killed in the course of his employment elect, after the injury or death, to hold the sub-contractor as his employer, the award made is charged against the sub-contractor.*

COLUMBUS, OHIO, December 9, 1932.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—Permit me to acknowledge receipt of your request for my opinion as follows:

“The Commission respectfully requests your opinion in the following situation.

A is the employer and is a road construction contractor and as such is amenable to and complies with the Workmen's Compensation Act of Ohio.

B is a trucking contractor and is an independent contractor or sub-contractor under A, that is, doing the trucking on a road construction job for which A had the general contract. B, although he is amenable to the Workmen's Compensation Act, does not comply with said act.