

HB 214 -- MISCLASSIFICATION OF WORKERS

SPONSOR: Hill

This bill establishes the criteria of a worker to be considered as an independent contractor. The bill states that independent contractors shall have a written contract that states the person is an independent contractor, not an employee, and that the person is responsible for all costs, fees, and taxes as an independent contractor. In addition, the person must have the right to control the manner and means by which the work is accomplished, and satisfies at least five out of nine listed requirements of an independent contractor. This bill also changes the definition of "employee" by removing the reference to the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296 and stating that an individual who meets the requirements for an independent contractor as specified in this bill is not an employee.

This bill is the same as HB 1920 (2020) and similar to HCS HB 1137 (2019).