

2016 -- H 7386

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LC003312  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF REVENUE -  
INDEPENDENT CONTRACTORS

Introduced By: Representatives Shekarchi, Diaz, Carnevale, and Ucci

Date Introduced: January 28, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-142 of the General Laws entitled "Department of Revenue" is  
2 hereby amended by adding thereto the following section:

3 **42-142-8. Independent contractor. -- (a) The director of the department of revenue**  
4 **("the director") shall encourage and ensure compliance with state laws and policies concerning**  
5 **whether a worker is an independent contractor or an employee.**

6 **(b) A person will not be considered an "independent contractor" unless that person**  
7 **annually files a notice of designation with the director of the department of revenue, consistent**  
8 **with rules and regulations to be promulgated by the director in writing, on a form provided by the**  
9 **director, that the person is an "independent contractor." There shall be an annual ten dollar**  
10 **(\$10.00) filing fee for the form, which can be filed in person, by mail, or electronically. The**  
11 **annual filing of the notice of designation shall be a presumption of "independent contractor"**  
12 **status but shall not preclude a finding of "independent contractor" status by any court, when the**  
13 **notice is not filed with the director. Any designation or withdraw of designation form shall be**  
14 **deemed public information and the director shall furnish copies or make available electronically,**  
15 **the forms and designations, upon written requests.**

16 SECTION 2. Section 28-29-17.1 of the General Laws in Chapter 28-29 entitled  
17 "Workers' Compensation - General Provisions" is hereby repealed.

18 ~~**28-29-17.1. Notice of designation as independent contractor. -- (a) A person will not**~~

1 ~~be considered an "independent contractor" unless that person files a notice of designation with the~~  
2 ~~director, consistent with rules and regulations established by the director, in writing, on a form~~  
3 ~~provided by the director, that the person is an "independent contractor." The filing of the notice of~~  
4 ~~designation shall be a presumption of "independent contractor" status but shall not preclude a~~  
5 ~~finding of independent contractor status by the court when the notice is not filed with the director.~~  
6 ~~That designation shall continue in force and effect unless the person withdraws that designation~~  
7 ~~by filing a notice with the director, in writing, on a form provided by the director, that the person~~  
8 ~~is no longer an "independent contractor." Any designation or withdrawal of designation form~~  
9 ~~shall be deemed public information and the director shall furnish copies or make available~~  
10 ~~electronically the forms and designations, upon written request, to any employer or insurer or its~~  
11 ~~authorized representative.~~

12 ~~(b) The workers' compensation court may, upon petition of an employee, the dependents~~  
13 ~~of a deceased employee or any other party in interest at any time, vacate any "notice of~~  
14 ~~designation" if the "notice of designation" has been improperly procured.~~

15 ~~(c) The provisions of subsections (a) and (b) of this section shall only apply to injuries~~  
16 ~~occurring on and after January 1, 2001.~~

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF REVENUE -  
INDEPENDENT CONTRACTORS

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1           This act would require that the designation of a worker as an "independent contractor"  
2 form to be filed annually, with a ten dollar (\$10.00) filing fee with the director of the department  
3 of revenue, and not the director of the department of labor and training.

4           This act would take effect upon passage.

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