

2015 -- H 5388

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - INDEPENDENT CONTRACTOR

Introduced By: Representatives Shekarchi, Ucci, Kennedy, Carnevale, and Bennett

Date Introduced: February 11, 2015

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 revenue shall encourage and
4 assure compliance with state laws and policies concerning whether a worker is an independent
5 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 revenue, consistent with rules and
8 regulations to be promulgated by the director in writing, on a form provided by the director, that
9 the person is an "independent contractor." There shall be an annual fifty dollar (\$50.00) filing fee
10 for the form, which can be filed in person, by mail, or electronically. The annual filing of the
11 notice of designation shall be a presumption of "independent contractor" status but shall not
12 preclude a finding of "independent contractor" status by any court, when the notice is not filed
13 with the director. Any designation or withdraw of designation form shall be deemed public
14 information and the director shall furnish copies or make available electronically, the forms and
15 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17 "Workers' Compensation - General Provisions" is hereby repealed.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~~
19 ~~be considered an "independent contractor" unless that person files a notice of designation with the~~

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - INDEPENDENT CONTRACTOR

1 This act would require that the designation of a worker as an "independent contractor"
2 form to be filed annually, with a fifty dollar (\$50.00) filing fee with the director of revenue, and
3 not the director of labor and training.

4 This act would take effect upon passage.

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