

**HOUSE . . . . . No. 1844**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act relative to independent contractors..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 148B of chapter 149 of the Massachusetts General Laws, as  
2 amended by section 26 of chapter 193 of the acts of 2004, is hereby amended by striking out  
3 paragraph (a) and inserting in place the following new paragraph: - (a) For the purpose of this  
4 chapter and chapter 151, an individual performing any service, except as authorized under this  
5 chapter, shall be considered to be an employee under those chapters unless:-

6 (1) the individual is free from control and direction in connection with the performance of  
7 the service, both under his contract for the performance of service and in fact; and

8 (2) the service is performed outside the usual course of the business of the employer; or,

9 (3) the individual is customarily engaged in an independently established trade,  
10 occupation, profession or business of the same nature as that involved in the service performed.