

HOUSE No. 2874

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to independent contractors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/21/2011</i>

HOUSE No. 2874

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2874) of Kafka relative to certain independent contractors under the labor laws Joint Committee on Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out the word “and,” in line 8, and inserting in
3 place thereof the following word:- or.

4 SECTION 2. Section 148B of Chapter 149, as so appearing, is further amended by
5 inserting after subsection (a) the following subsection:

6 “(a^{1/2}) Notwithstanding the provisions of subsection (a) to the contrary, for the purposes
7 of this chapter and chapter 151, an individual performing a service, except as authorized under
8 this chapter, for an employer classified by the federal North American Industry Classification
9 System as a sector 23 establishment, shall be considered an employee unless the individual meets
10 all 3 requirements in clauses (1) to (3), inclusive, of said subsection (a).”

11 SECTION 3. Chapter 149 of the General Laws, as so appearing, is hereby amended by
12 inserting after Section 147H the following section:

13 “Section 147I. It shall be considered a felony to coerce, threaten, or intimidate an
14 individual into establishing an independent business.”

15 SECTION 4. Any person or persons creating intellectual property as defined and
16 protected by federal copyright law, federal licensing laws, or any other applicable federal, state,
17 or international law or treaty governing intellectual property, shall be exempted from the
18 provisions of Section 148B of Chapter 149 of the General Laws, as appearing in the 2008
19 Official Edition.