SENATE DOCKET, NO. 89 FILED ON: 1/14/2011

SENATE . . . . . No. 957

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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:
Michael J. Rodrigues	
Carolyn C. Dykema	*8th Middlesex*

SENATE DOCKET, NO. 89 FILED ON: 1/14/2011

SENATE . . . . . No. 957

By Mr. Rodrigues, petition (accompanied by bill, Senate, No. 957) of Dykema and Rodrigues for legislation relative to certain independent contractors under the labor laws [Joint Committee on Labor and Workforce Development].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1844* OF 2009-2010.]

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:

SECTION 1. Section 148B of chapter 149 of the Massachusetts General Laws, as amended by section 26 of chapter 193 of the acts of 2004, is hereby amended by striking out paragraph (a) and inserting in place the following new paragraph:-

(a) For the purpose of this chapter and chapter 151, an individual performing any service, except as authorized under this chapter, shall be considered to be an employee under those chapters unless:-

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

9 (2) the service is performed outside the usual course of the business of the employer;

10 or,

11 (3) the individual is customarily engaged in an independently established trade,

12 occupation, profession or business of the same nature as that involved in the service performed.