

**HOUSE . . . . . No. 1695**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Jennifer E. Benson***

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*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 the definition of an employee.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/11/2013</i>

**HOUSE . . . . . No. 1695**

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 1695) of Jennifer E. Benson relative to freelancers in the definition of employees under the labor laws. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3546 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to the definition of an employee.

*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 inserting after the word “unless”, in line 3, the following  
3 words:-- (i) the individual annually certifies in writing to the department that he is a freelancer  
4 and should not be classified as an employee because:

5 (1) he is an independent contractor providing services as a visual artist, writer,  
6 photographer or designer; and

7 (2) he contracts with multiple entities; and

8 (3) he has not been coerced, threatened or intimidated into signing the certification; or  
9 (ii).

10 SECTION 2. The department of labor and workforce development shall promulgate  
11 regulations relative to the certifications of freelancers under section 148B of chapter 149 of the  
12 General Laws on or before January 1, 2012.