

# HOUSE . . . . . No. 3164

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Joseph F. Wagner*

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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 sustainability of the trucking industry.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Peter J. Durant</i>	<i>6th Worcester</i>	
<i>Paul K. Frost</i>	<i>7th Worcester</i>	
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	

# HOUSE . . . . . No. 3164

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By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3164) of Joseph F. Wagner and others relative to the trucking and messenger/courier industries. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3091 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 sustainability of the trucking industry.

*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  
2           2008 Official Edition, is hereby amended by inserting the following new section:-

3           (f)     In the trucking and messenger/courier industries, an operator of a car, van, truck,  
4           tractor, or truck-tractor that is licensed and registered by a governmental motor vehicle agency is  
5           an employee unless each of the following factors is present, and if each factor is present, the  
6           operator is an independent contractor:

7           (1) the individual owns the equipment or holds it under a bona fide lease arrangement;

8           (2) the individual is responsible for the maintenance of the equipment;

9           (3) the individual is responsible for the operating costs, including fuel, repairs, supplies,  
10          vehicle insurance, and personal expenses. The individual may be paid the carrier's fuel surcharge  
11          and incidental costs, including, but not limited to, tolls, permits, and lumper fees;

12          (4) the individual is responsible for supplying the necessary personal services to operate  
13          the equipment;

14          (5) the individual's compensation is based on factors related to the work performed, such  
15          as a percentage of any schedule of rates, and not on the basis of the hours or time expended;

16           (6) the individual substantially controls the means and manner of performing the services,  
17 in conformance with regulatory requirements and specifications of the shipper; and

18           (7) the individual enters into a written contract that specifies the relationship to be that of  
19 an independent contractor and not that of an employee.