

HOUSE No. 1732

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Kuros

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 Providing a Safe Harbor for Contractors of Services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>1/16/2015</i>

HOUSE No. 1732

By Mr. Kuros of Uxbridge, a petition (accompanied by bill, House, No. 1732) of Kevin J. Kuros relative to the designation of certain persons contracted for services as employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act Providing a Safe Harbor for Contractors of Services.

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 148B of Chapter 149 of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting after the paragraph designation “(a)” in Line 1, the
3 following numeral:- (1)

4 Said Section 148B of Chapter 149 is hereby further amended by inserting after the word
5 and punctuation “performed.”, in Line 9, the following words:-- (a)(2) An individual who has
6 pre-registered as a payroll-taxpaying entity with the Department of Revenue and has attested that
7 said registration is being provided “voluntarily and free from coercion by any person or entity”
8 shall be considered to have satisfied test (2) in (a)(1)above if the contract for work:

9 (1) Provides compensation that equals or exceeds \$30 per hour, or \$1,200 per week, or
10 \$5,160 per month, or

11 (2) Involves either: a) the provision of services requiring professional certification or
12 licensure and the individual possesses such certification or licensure; or b) conducting business

13 in a franchise relationship subject to the rules and regulations of the Federal Trade Commission,
14 and the relationship complies with those rules and regulations, or

15 (3) Provides for work that by occupational definition consistently requires any of the
16 following: (a) exercise of discretion and independent judgment with respect to matters of
17 significance; (b) advanced knowledge in a field of science or learning; or (c) invention,
18 imagination, intellect, creativity, originality, or talent in a recognized field or artistic or creative
19 endeavor, or

20 (4) Grants the individual either ownership of or copyright to the work product, or

21 (5) Is arranged and fulfilled through an on-line project referral site for freelance work.