

# HOUSE . . . . . No. 1763

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Jeffrey N. Roy*

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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 amending the independent contractor statute.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/16/2015</i>

# HOUSE . . . . . No. 1763

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By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1763) of Jeffrey N. Roy relative to properly classifying an individual as an employee. Labor and Workforce Development.

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## The Commonwealth of Massachusetts

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

An Act amending the independent contractor statute.

*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 is hereby amended by  
2   adding after subsection (d) the following:

3           (e) Notwithstanding the foregoing, an employer (as defined in Chapter 149, Section 148)  
4   shall not be in violation of this Section 149(d) to an individual for any claim for wages as  
5   provided for in Chapter 151, Section 1, or overtime as provided in Chapter 151, Section 1A, and  
6   will not be considered an employee pursuant to Chapter 151A Section 1(h) provided that:

7           (1) Such individual receives compensation equal to at least 3.5 times the minimum wage  
8   for all hours worked, as provided for in Chapter 151 Sections 1 and 1A;

9           (2) Such individual is engaged by an employer for no more than six months in the  
10   preceding 12 month period as anything other than an employee as defined by Subsections (a)(1-  
11   3) of this Section;

12           (3) The employer issues a Form-1099 for all income provided to the individual, and  
13 provides a copy of the report to the Department of Revenue; and

14           (4) Such employer does not use successive contractors for the same assignment as a  
15 subterfuge to avoid obligations that otherwise would be imposed on it should such individuals be  
16 deemed employees.

17           (f) Notwithstanding the foregoing, an employer (as defined in Chapter 149, Section 148)  
18 shall not be in violation of this Section 149(d) to an individual for any claim for wages as  
19 provided for in Chapter 151, Section 1, or overtime as provided in Chapter 151, Section 1A, and  
20 will not be considered an employee pursuant to Chapter 151A Section 1(h), provided that the  
21 individual is treated as an employee by another employer including, without limitation, any  
22 temporary or other staffing firm.