

HOUSE No. 3608

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy

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.

PETITION OF:

NAME:

Jeffrey N. Roy

DISTRICT/ADDRESS:

10th Norfolk

HOUSE No. 3608

By Mr. Roy of Franklin, a petition (subject to Joint Rule 12) of Jeffrey N. Roy for legislation to further amend the independent contractor statute. Labor and Workforce Development.

The Commonwealth of Massachusetts

**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 individual shall not be treated as an “employee” for
4 purposes of this Chapter 149 and Chapter 151, provided that:

5 1. the individual is engaged to conduct store audits or perform mystery shopping
6 services;

7 2. the service opportunities are offered to the individual on a project-by-project
8 basis, which the individual can accept or decline at the individual’s discretion;

9 3. the remuneration for the services the individual performs is determined on a
10 fixed-fee basis, regardless of the amount of time worked; and

11 4. the individual is not restricted from performing similar services for others.

12 SECTION 2. Section 6 of Chapter 151A of the General Laws is hereby amended by
13 adding after subsection (x) the following:

14 (y) Service performed by an individual engaged to conduct store audits or perform
15 mystery shopping services, provided that the service opportunities are offered to the individual
16 on a project-by-project basis, which the individual can accept or decline at the individual's
17 discretion; the remuneration for the services the individual performs is determined on a fixed-fee
18 basis, regardless of the amount of time worked; and the individual is not restricted from
19 performing similar services for others.

20 SECTION 3. Section 1 of Chapter 152 of the General Laws is hereby amended by
21 amending subsection (4) thereof by deleting "and" at the end of clause (f) thereof, replacing the
22 period at the end of clause (g) thereof with ", and" and by adding after clause (g) the following:

23 (h) a person engaged to conduct store audits or perform mystery shopping services,
24 provided that the service opportunities are offered to the person on a project-by-project basis,
25 which the person can accept or decline at the person's discretion, the remuneration for the
26 services the person performs is determined on a fixed-fee basis, regardless of the amount of time
27 worked, and the person is not restricted from performing similar services for others.