SENATE DOCKET, NO. 1838 FILED ON: 1/16/2015

SENATE . . . . . No. 1013

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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:
Bruce E. Tarr	*First Essex and Middlesex*
Viriato M. deMacedo	*Plymouth and Barnstable*
Robert L. Hedlund	*Plymouth and Norfolk*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*
Richard J. Ross	*Norfolk, Bristol and Middlesex*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1013) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and others for legislation to provide a safe harbor for contractors of services. 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:

SECTION 1. Section 148B of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the paragraph designation "(a)" in line 1, the following numeral:- (1)

Section 2. Said section 148B of said chapter 149, as so appearing, is hereby further amended by inserting after the word "performed.", in line 11, the following words:- (a)(2) An individual who has pre-registered as a payroll-taxpaying entity with the Department of Revenue and has attested that said registration is being provided "voluntarily and free from coercion by any person or entity" shall be considered to have satisfied test (2) in (a)(1) above if the contract for work:

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

(2) Involves either: a) the provision of services requiring professional certification or licensure and the individual possesses such certification or licensure; or b) conducting business in a franchise relationship subject to the rules and regulations of the Federal Trade Commission, and the relationship complies with those rules and regulations, or

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

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