

# HOUSE . . . . . No. 4821

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 30, 2020.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 4736) of Jay D. Livingstone and others relative to employment under the unemployment insurance program, reports recommending that the accompanying bill (House, No. 4821) ought to pass.

For the committee,

STEPHAN HAY.

**HOUSE . . . . . No. 4821**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to employee definition harmonization.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in law in response to a public health emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2 of chapter 151A of the General Laws is hereby amended by  
2 striking out subsection (b) and inserting in place thereof the following subsection: “(b) such  
3 service is performed outside the usual course of the business of the employer.”

4           SECTION 2. Said section 2 of chapter 151A is hereby further amended by inserting after  
5 the fourth paragraph the following paragraph:-

6           Subsection (b) does not apply to the relationship between an automobile club and an  
7 individual performing services pursuant to a contract between an automobile club and a third  
8 party to provide automobile club services utilizing the employees and vehicles of a third party.  
9 Instead, the automobile club must establish that the third party is a separate and independent

- 10 business from the automobile club to determine whether such an individual is an employee of the
- 11 automobile club.