

1 H.746

2 Introduced by Representatives Partridge of Windham and Trieber of

3 Rockingham

4 Referred to Committee on

5 Date:

6 Subject: Professions and occupations; barbers and cosmetologists; booth

7 rentals

8 Statement of purpose: This bill proposes to classify a cosmetologist who rents
9 a booth at a salon as an employee of the salon unless it can be shown that the
10 salon has no right to control the methodology used by the cosmetologist to
11 produce a result and that the cosmetologist pays the salon either a fixed
12 percentage of his or her gross receipts or a flat fee.

13 An act relating to employment of cosmetologists

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 26 V.S.A. § 290 is added to read:

16 § 290. EMPLOYMENT OF COSMETOLOGISTS; INDEPENDENT

17 CONTRACTORS

18 (a) A licensed cosmetologist who rents a booth at a salon shall be deemed

19 to be an employee of the salon unless:

1 (1) A written agreement exists between the cosmetologist and the salon
2 specifying that the cosmetologist is an independent contractor.

3 (2) The salon has no right to control the methodology used by the
4 cosmetologist to produce a given result.

5 (3) The amount of rent to be paid by the cosmetologist to the salon is
6 either calculated at a fixed percentage of the cosmetologist's gross receipts or
7 is a flat fee.

8 (b) The salon shall maintain records of all rental payments made to it and
9 all distributions made to the cosmetologist.