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H.867

Representative Olsen of Londonderry moves that the bill be amended in Sec. 10, 21 V.S.A. § 625, by striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. 21 V.S.A. § 625 is amended to read:

§ 625. CONTRACTING OUT FORBIDDEN; PROHIBITED ACTS;

PENALTIES

(a) ~~An~~ Except as provided in subdivisions 601(3) and (14) of this chapter, an employer shall not be relieved in whole or in part from liability created by the provisions of this chapter by any contract, rule, regulation, or device whatsoever.

(b) The Commissioner may investigate complaints and determine whether the requirements to be an independent contractor set forth in subdivision 601(31) of this title are met. Unless the Commissioner determines that the improper classification was inadvertent or excusable, any person that, for the purpose of avoiding its obligations under this title, improperly classifies an employee as an independent contractor, may, after notice and an opportunity for a hearing, be assessed an administrative penalty of not more than \$5,000.00.

(c) An employer who, for the purpose of avoiding its obligations under this chapter, coerces, educates, informs, or otherwise assists an individual that is or

1 will be performing services for the employer in relation to the registration of an
2 unincorporated business with the Vermont Secretary of State or with the
3 establishment of a corporation or LLC, may, after notice and an opportunity
4 for a hearing, be assessed an administrative penalty of not more than
5 \$5,000.00.