

1 S.138

2 Representative Purvis of Colchester moves that the House propose to the
3 Senate that the bill be amended as follows:

4 First: In Sec. following Sec. A.16, by inserting a Sec A.17 to read as
5 follows:

6 Sec. A.17. 21 V.S.A. § 601 is amended as follows:

7 § 601. DEFINITIONS

8 Unless the context otherwise requires, words and phrases used in this
9 chapter shall be construed as follows:

10 * * *

11 (14) “Worker” and “employee” means an individual who has entered
12 into the employment of, or works under contract of service or apprenticeship
13 with, an employer. Any reference to a worker who has died as the result of a
14 work injury shall include a reference to the worker’s dependents, and any
15 reference to a worker who is a minor or incompetent shall include a reference
16 to the minor’s committee, guardian, or next friend. The term “worker” or
17 “employee” does not include:

18 * * *

19 (F) The sole proprietor or partner owner or partner owners of an
20 unincorporated business provided:

1 (i) ~~The individual performs work that is distinct and separate from~~
2 ~~that of the person with whom the individual contracts.~~

3 ~~(ii)~~ (ii) The individual controls the means and manner of the work
4 performed.

5 ~~(iii)~~(ii) The individual holds him or herself out as in business for
6 him or herself.

7 ~~(iv)~~(iii) The individual holds him or herself out for work for the
8 general public and does not perform work exclusively for or with another
9 person.

10 ~~(v)~~(iv) The individual is not treated as an employee for purposes
11 of income or employment taxation with regard to the work performed.

12 ~~(vi)~~(v) The services are performed pursuant to a written agreement
13 or contract between the individual and another person, and the written
14 agreement or contract explicitly states that the individual is not considered to
15 be an employee under this chapter, is working independently, has no
16 employees, and has not contracted with other independent contractors. The
17 written contract or agreement shall also include information regarding the right
18 of the individual to purchase workers' compensation insurance coverage and
19 the individual's election not to purchase that coverage. However, if the
20 individual who is party to the agreement or contract under this subdivision is

1 found to have employees, those employees may file a claim for benefits under
2 this chapter against either or both parties to the agreement.

3 * * *

4 Second: In Sec. H.1, following subdivision (h) by inserting a subdivision

5 (i) to read as follows:

6 (i) Sec. A.17 shall take effect on July 1, 2015.