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H.867

Representative Donovan of Burlington moves that the bill be amended as follows:

First: In Sec. 1, 21 V.S.A. § 601, by striking out subdivision (31) in its entirety and inserting in lieu thereof a new subdivision (31) to read as follows:

(31)(A) “Independent contractor” means a person who meets all of the following:

(i) is free from the direction and control of the employing unit, both under the person’s contract of service and in fact;

(ii) controls the means and manner of the work performed;

(iii) operates a separate and distinct business from that of the person with whom it contracts;

(iv) holds itself out as in business for itself;

(v) offers its services to the general public;

(vi) is not treated as an employee for purposes of income or employment taxation with regard to the work performed; and

(vii) has purchased workers’ compensation coverage for itself.

(B) An independent contractor shall purchase workers’ compensation coverage for its employees as provided in this chapter.

Second: In Sec. 2, 21 V.S.A. § 1301, by striking out subdivision (6)(B) and inserting in lieu thereof a new subdivision (6)(B) to read as follows:

1 (B) Services performed by an individual for wages shall be deemed
2 to be employment subject to this chapter unless and until it is shown to the
3 satisfaction of the Commissioner that the individual:

4 (i) ~~Such individual has been and will continue to be free from~~
5 ~~control or direction over the performance of such services, both under his or~~
6 ~~her contract of service and in fact; and~~

7 (ii) ~~Such service is either outside the usual course of the business~~
8 ~~for which such service is performed, or that such service is performed outside~~
9 ~~of all the places of business of the enterprise for which such service is~~
10 ~~performed; and~~

11 (iii) ~~Such individual is customarily engaged in an independently~~
12 ~~established trade, occupation, profession, or business.~~

13 is free from the direction and control of the employing unit, both under the
14 individual's contract of service and in fact;

15 (ii) controls the means and manner of the services performed;

16 (iii) operates a separate and distinct business from that of the
17 person with whom he or she contracts;

18 (iv) holds him- or herself out as in business for him- or herself;

19 (v) offers his or her services to the general public;

20 (vi) is not treated as an employee for purposes of income or
21 employment taxation with regard to the services performed; and

1 (vii) has purchased workers' compensation coverage pursuant to
2 chapter 9 of this title for him- or herself.