

2016 -- S 2586

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF REVENUE -
INDEPENDENT CONTRACTORS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 25, 2016

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-142 of the General Laws entitled "Department of Revenue" is
2 hereby amended by adding thereto the following section:

3 **42-142-8. Independent contractor.** -- (a) The director of the department of revenue
4 ("the director") shall encourage and ensure compliance with state laws and policies concerning
5 whether a worker is an independent contractor or an employee.

6 (b) A person will not be considered an "independent contractor" unless that person
7 annually files a notice of designation with the director of the department of revenue, consistent
8 with rules and regulations to be promulgated by the director in writing, on a form provided by the
9 director, that the person is an "independent contractor." There shall be an annual ten dollar
10 (\$10.00) filing fee for the form, which can be filed in person, by mail, or electronically. The
11 annual filing of the notice of designation shall be a presumption of "independent contractor"
12 status but shall not preclude a finding of "independent contractor" status by any court, when the
13 notice is not filed with the director. Any designation or withdraw of designation form shall be
14 deemed public information and the director shall furnish copies or make available electronically,
15 the forms and designations, upon written requests.

16 SECTION 2. Section 28-29-17.1 of the General Laws in Chapter 28-29 entitled
17 "Workers' Compensation - General Provisions" is hereby repealed.

18 ~~**28-29-17.1. Notice of designation as independent contractor.**~~ -- (a) ~~A person will not~~

1 ~~be considered an "independent contractor" unless that person files a notice of designation with the~~
2 ~~director, consistent with rules and regulations established by the director, in writing, on a form~~
3 ~~provided by the director, that the person is an "independent contractor." The filing of the notice of~~
4 ~~designation shall be a presumption of "independent contractor" status but shall not preclude a~~
5 ~~finding of independent contractor status by the court when the notice is not filed with the director.~~
6 ~~That designation shall continue in force and effect unless the person withdraws that designation~~
7 ~~by filing a notice with the director, in writing, on a form provided by the director, that the person~~
8 ~~is no longer an "independent contractor." Any designation or withdrawal of designation form~~
9 ~~shall be deemed public information and the director shall furnish copies or make available~~
10 ~~electronically the forms and designations, upon written request, to any employer or insurer or its~~
11 ~~authorized representative.~~

12 ~~(b) The workers' compensation court may, upon petition of an employee, the dependents~~
13 ~~of a deceased employee or any other party in interest at any time, vacate any "notice of~~
14 ~~designation" if the "notice of designation" has been improperly procured.~~

15 ~~(c) The provisions of subsections (a) and (b) of this section shall only apply to injuries~~
16 ~~occurring on and after January 1, 2001.~~

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would require that the designation of a worker as an "independent contractor"
2 form to be filed annually, with a ten dollar (\$10.00) filing fee with the director of the department
3 of revenue, and not the director of the department of labor and training.

4 This act would take effect upon passage.

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