

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION --
GENERAL PROVISIONS

Introduced By: Senators McKenney, Ciccone, Burke, Lawson, and F. Lombardi

Date Introduced: February 12, 2024

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-29-17.1 of the General Laws in Chapter 28-29 entitled "Workers'
2 Compensation — General Provisions" is hereby amended to read as follows:

3 **28-29-17.1. Notice of designation as independent contractor. [Effective January 1,**
4 **2024.]**

5 (a) A person will not be considered an "independent contractor" unless that person files a
6 notice of designation with the director, consistent with rules and regulations established by the
7 director, ~~in writing~~, on a form or on a form capable of being filed electronically provided by the
8 director annually, that the person is an "independent contractor". A person shall be required to file
9 the form annually for each hiring entity that retains their services, regardless of how many forms
10 are filed. The filing of the notice of designation shall be a presumption of "independent contractor"
11 status but shall not preclude a finding of independent contractor status by the court when the notice
12 is not filed with the director. That designation shall continue in force and effect unless the person
13 fails to submit an annual filing or withdraws that designation by filing a notice with the director, ~~in~~
14 ~~writing~~, on a form provided by the director, that the person is no longer an "independent
15 contractor". Any designation or withdrawal of designation form shall be deemed public information
16 and the director shall furnish copies or make available electronically the forms and designations,
17 upon written request, to any employer or insurer or its authorized representative.

18 (b) The workers' compensation court may, upon petition of an employee, the dependents

1 of a deceased employee, or any other party in interest at any time, vacate any “notice of
2 designation” if the “notice of designation” has been improperly procured.

3 (c) The provisions of subsections (a) and (b) shall only apply to injuries occurring on and
4 after January 1, 2001.

5 (d) By April 1 of each year, the department of labor and training will send a list of all
6 individuals who have filed a designation form to the Rhode Island [division of taxation in the](#)
7 department of ~~taxation~~ [revenue](#).

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would amend the current law on workers' compensation to require any person who
2 is considered an independent contractor to file annually with the director of labor and training, a
3 form that would include every hiring entity that retains their services. The act would also remove
4 the requirement that the form be in writing.

5 This act would take effect upon passage.

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