

# House Research Act Summary

**CHAPTER:** 89

**SESSION:** 2009 Regular Session

**TOPIC:** Independent contractors in the trucking industry

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## Overview

Sets out the conditions needed to qualify as an independent contractor in the trucking and messenger/courier industries.

### Section

- 1 **Employments excluded.** Specifies that the workers compensation law does not apply to persons defined as independent contractors as outlined in section 2.
- 2 **Trucking and messenger/courier industries; independent contractors.** Specifies that in the trucking and messenger/courier industries, the operator of a car, van, truck, tractor or truck-tractor licensed and registered by a governmental motor vehicle agency is an employee unless each of the following factors is met:
  - The individual owns the equipment or holds it under a bona fide lease arrangement;
  - The individual is responsible for maintenance of the equipment;
  - The individual is responsible for the operating costs, including fuel, repairs, supplies, vehicle insurance and personal expenses;
  - The individual is responsible for supplying the necessary personal services to operate the equipment;
  - The individual's compensation is based on factors related to the work performed and not on the basis of the hours or time expended;
  - The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the

shipper; and

- The individual enters into a written contract that specifies the relationship to be that of an independent contractor and not that of an employee.

**3** **Trucking and messenger/courier industries, independent contractor.** Aligns the unemployment compensation definition of independent contractor with the factors outlined in section 2.