

## HB256 INTRODUCED



1 O2UIJW-1  
2 By Representatives Marques, Sorrells, Brown, Rehm, Clouse,  
3 Pettus, Smith, Paramore  
4 RFD: Commerce and Small Business  
5 First Read: 04-Apr-23  
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SYNOPSIS:

Under existing law, determining whether an individual who performs services is an employee or a self-employed independent contractor takes into account whether the person who pays for the individual's services has the right to control only the result of the work performed or the right to exert broader control over how the work will be performed.

This bill would provide that a motor carrier's implementation of safety improvement requirements for drivers shall not be considered in determining a driver's status as an employee or an independent contractor.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to labor and employment; to exclude consideration of a motor carrier's use of safety improvements, technologies, practices, and driver coaching in determining a motor carrier driver's classification as an independent contractor or an employee under state law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29           Section 1. (a) Notwithstanding any law to the contrary,  
30 the deployment, implementation or use of a motor carrier  
31 safety improvement by, or as required by, a motor carrier or  
32 its related entity, including by contract, shall not be  
33 considered when evaluating an individual's status as an  
34 employee or independent contractor, or as a jointly employed  
35 employee under any state law.

36           (b) For purposes of this section, "motor carrier safety  
37 improvement" shall mean any device, equipment, software,  
38 technology, procedure, training, policy, program, or  
39 operational practice intended and primarily used to improve or  
40 facilitate any of the following:

41           (1) Compliance with traffic safety or motor carrier  
42 safety laws.

43           (2) Safety of a motor vehicle.

44           (3) Safety of the operator of a motor vehicle.

45           (4) Safety of third party users of public roadways.

46           Section 2. This act shall become effective on the first  
47 day of the third month following its passage and approval by  
48 the Governor, or its otherwise becoming law.