SB086_L.004 SENATE COMMITTEE OF REFERENCE AMENDMENT Committee on <u>Business, Labor, & Technology</u>. <u>SB21-086</u> be amended as follows:

1 Amend proposed amendment (SB086_L.001), page 3, after line 40 insert:

2 "(c) (I) BEFORE THE STATE OR A LOCAL LICENSING AUTHORITY 3 ISSUES A PERMIT TO A THIRD-PARTY DELIVERY SERVICE PURSUANT TO THIS 4 SUBSECTION (6), THE THIRD-PARTY DELIVERY SERVICE SHALL SUBMIT A 5 STAFFING PLAN TO THE DIVISION OF LABOR STANDARDS AND STATISTICS 6 IN THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO RULES 7 PROMULGATED BY THE DIRECTOR OF THE DIVISION. IN THE STAFFING PLAN, 8 THE THIRD-PARTY DELIVERY SERVICE SHALL ESTIMATE THE NUMBER OF 9 EMPLOYEES OR INDEPENDENT CONTRACTORS WHO WILL PERFORM 10 DELIVERIES PURSUANT TO A PERMIT ISSUED UNDER THIS SUBSECTION (6) 11 AND SHALL DEMONSTRATE THAT THE EMPLOYEES OR INDEPENDENT 12 CONTRACTORS ARE PROPERLY CLASSIFIED AS SUCH UNDER ARTICLE 4 OF 13 TITLE 8. IF THE DIRECTOR DETERMINES THAT THE STAFFING PLAN DOES 14 NOT REASONABLY ESTIMATE THE NUMBER OF EMPLOYEES OR 15 INDEPENDENT CONTRACTORS LIKELY TO BE PERFORMING DELIVERIES 16 UNDER THE PERMIT OR THAT THE THIRD-PARTY DELIVERY SERVICE HAS 17 FAILED TO ESTABLISH THAT THE EMPLOYEES OR INDEPENDENT 18 CONTRACTORS WERE PROPERLY CLASSIFIED, THE STATE LICENSING 19 AUTHORITY SHALL DENY THE PERMIT.

(II) ONE-HUNDRED EIGHTY DAYS AFTER RECEIVING A PERMIT
PURSUANT TO THIS SUBSECTION (6), THE THIRD-PARTY DELIVERY SERVICE
SHALL SUBMIT TO THE DIVISION OF LABOR STANDARDS AND STATISTICS AN
UPDATED STAFFING PLAN THAT IDENTIFIES THE EMPLOYEES OR
INDEPENDENT CONTRACTORS WHO MADE DELIVERIES UNDER THE PERMIT
AND ESTABLISHES THAT THOSE EMPLOYEES OR INDEPENDENT
CONTRACTORS WERE PROPERLY CLASSIFIED.

27 (III) A DETERMINATION BY THE DIVISION TO ALLOW A 28 THIRD-PARTY DELIVERY SERVICE TO SEEK A PERMIT PURSUANT TO THIS 29 SUBSECTION (6) DOES NOT CONSTITUTE A FINDING THAT EMPLOYEES OR 30 INDEPENDENT CONTRACTORS PERFORMING WORK FOR THE THIRD-PARTY 31 DELIVERY SERVICE ARE PROPERLY CLASSIFIED AND IS NOT ADMISSIBLE IN 32 JUDICIAL OR ADMINISTRATIVE PROCEEDINGS REGARDING THE 33 CLASSIFICATION OF EMPLOYEES OR INDEPENDENT CONTRACTORS 34 PERFORMING WORK FOR THE THIRD-PARTY DELIVERY SERVICE.".

35 Reletter succeeding paragraph accordingly.

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