

HOUSE BILL No. 1286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-1-6.

Synopsis: Marketplace contractors. Specifies conditions under which a contractor that uses the digital network of a marketplace platform to connect with third parties seeking services is an independent contractor of the marketplace platform.

Effective: July 1, 2018.

VanNatter

January 16, 2018, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1286

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-1-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 6. Marketplace Contractors**

5 **Sec. 1. This chapter does not apply to the following:**

6 (1) **Service performed in the employ of the state, a political**
7 **subdivision, an Indian tribe, or an instrumentality of the state,**
8 **a political subdivision, or an Indian tribe if the service is**
9 **excluded from employment as defined in the Federal**
10 **Unemployment Tax Act (26 U.S.C. 3301 et seq.).**

11 (2) **Service performed in the employ of a religious, charitable,**
12 **educational, or other organization that is excluded from**
13 **employment as defined in the Federal Unemployment Tax**
14 **Act.**

15 **Sec. 2. The following definitions apply throughout this chapter:**

16 (1) **"Digital network" means a related network of computing,**
17 **communication, and information resources, including online**



1 enabled applications, software, and Internet web sites.

2 (2) "Marketplace contractor" means an individual or entity
3 that enters into an agreement with a marketplace platform to
4 use the marketplace platform's digital network to connect
5 with third parties who seek to obtain services provided by the
6 individual or entity.

7 (3) "Marketplace platform" means an entity that:

8 (A) offers a digital network to connect marketplace
9 contractors with third parties who seek to obtain services
10 provided by marketplace contractors; and

11 (B) accepts service requests from third parties only
12 through the entity's digital network and does not accept
13 service requests by telephone, by facsimile, in person, or at
14 retail locations.

15 **Sec. 3.** Notwithstanding any other law, a marketplace contractor
16 of a marketplace platform that obtains service requests from the
17 marketplace platform and fulfills those service requests in Indiana
18 is an independent contractor of the marketplace platform if:

19 (1) the marketplace contractor and the marketplace platform
20 agree in writing that the marketplace contractor is an
21 independent contractor;

22 (2) the marketplace platform does not unilaterally prescribe
23 specific hours during which the marketplace contractor must
24 be available to accept service requests from third parties that
25 are submitted through the marketplace contractor's digital
26 network;

27 (3) the marketplace platform does not prohibit the
28 marketplace contractor from using the digital networks of
29 other marketplace platforms;

30 (4) the marketplace platform does not restrict the
31 marketplace contractor from engaging in any other
32 occupation or business; and

33 (5) the marketplace contractor bears all or substantially all of
34 the marketplace contractor's expenses that are incurred by
35 the marketplace contractor in the course of fulfilling service
36 requests obtained from the marketplace platform.

