



January 25, 2019

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## SENATE BILL No. 130

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DIGEST OF SB 130 (Updated January 23, 2019 1:27 pm - DI 132)

**Citations Affected:** IC 22-4.

**Synopsis:** Unemployment insurance matters. Includes in the definition of "employment", for the purposes of the unemployment compensation system, service performed by a driver who provides drive away operations, if the driver is employed by a state or local government entity, a federally recognized Indiana tribe, or a nonprofit organization. Excludes from the definition of "employment", for purposes of the unemployment compensation system, service performed by a driver who provides drive away operations when: (1) the vehicle being driven is the commodity being delivered; and (2) the driver has entered into an agreement with the party arranging for the transportation that specifies the driver is an independent contractor and not an employee.

**Effective:** July 1, 2019.

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**Doriot, Boots, Glick, Rogers,  
Messmer, Walker, Garten, Kruse,  
Freeman**

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January 3, 2019, read first time and referred to Committee on Pensions and Labor.  
January 24, 2019, amended, reported favorably — Do Pass.

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SB 130—LS 6232/DI 128





January 25, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 130

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 22-4-8-3.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 3.6. (a) As used in this section, "drive away" has the**  
4 **meaning set forth in IC 9-20-9-1.**

5 **(b) Except as provided in subsection (c), as used in this article,**  
6 **"employment" includes service performed by a driver who**  
7 **provides drive away operations when the services are being**  
8 **performed by an individual who is in the employ of a state or local**  
9 **government entity or federally recognized Indian tribe as defined**  
10 **in Section 3306(c)(7) of the Federal Unemployment Tax Act (26**  
11 **U.S.C. 3306(c)(7)) or a nonprofit organization as defined in Section**  
12 **3306(c)(8) of the Federal Unemployment Tax Act (26 U.S.C.**  
13 **3306(c)(8)).**

14 **(c) As used in this article, "employment" does not include**  
15 **service performed by a driver who provides drive away operations**  
16 **when:**

17 **(1) the vehicle being driven is the commodity being delivered;**

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1           **and**  
2           **(2) the driver has entered into an agreement with the party**  
3           **arranging for the transportation that specifies the driver is an**  
4           **independent contractor and not an employee.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"(b) Except as provided in subsection (c), as used in this article, "employment" includes service performed by a driver who provides drive away operations when the services are being performed by an individual who is in the employ of a state or local government entity or federally recognized Indian tribe as defined in Section 3306(c)(7) of the Federal Unemployment Tax Act (26 U.S.C. 3306(c)(7)) or a nonprofit organization as defined in Section 3306(c)(8) of the Federal Unemployment Tax Act (26 U.S.C. 3306(c)(8))."**

Page 1, line 5, delete "(b)" and insert "(c)".

and when so amended that said bill do pass.

(Reference is to SB 130 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 11, Nays 0.

