

HOUSE No. 1043

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the creative economy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>

HOUSE No. 1043

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 1043) of Chris Walsh and others relative to persons performing job-related services. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1776 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the creative economy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 148B of chapter 149 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (a) the following subsection:

3 (a^{1/2}) Notwithstanding subsection (a), an individual who is an artist, freelance writer,
4 editor, proofreader or indexer in the publishing industry shall be considered to be an employee
5 under this chapter and chapter 151 unless the individual: (i) freely and voluntarily identifies,
6 markets or promotes oneself as a freelancer, as self-employed, as a sole proprietor or as an
7 independent business; (ii) controls and regularly negotiates the use of the individual’s intellectual
8 property; and (iii) meets the federal standards for being an independent contractor including, but
9 not limited to, standards developed by the United States Internal Revenue Service or Department
10 of Labor.