

HOUSE No. 02874

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 passage of the accompanying bill:

An Act relative to independent contractors.

PETITION OF:

NAME:

Louis L. Kafka

DISTRICT/ADDRESS:

8th Norfolk

HOUSE No. 02874

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2874) of Kafka relative to certain independent contractors under the labor laws Joint Committee on Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to independent contractors.

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 2008
2 Official Edition, is hereby amended by striking out the word “and,” in line 8, and inserting in
3 place thereof the following word:- or.

4 SECTION 2. Section 148B of Chapter 149, as so appearing, is further amended by inserting after
5 subsection (a) the following subsection:

6 “(a^{1/2}) Notwithstanding the provisions of subsection (a) to the contrary, for the purposes of this
7 chapter and chapter 151, an individual performing a service, except as authorized under this
8 chapter, for an employer classified by the federal North American Industry Classification System
9 as a sector 23 establishment, shall be considered an employee unless the individual meets all 3
10 requirements in clauses (1) to (3), inclusive, of said subsection (a).”

11 SECTION 3. Chapter 149 of the General Laws, as so appearing, is hereby amended by inserting
12 after Section 147H the following section:

13 “Section 147I. It shall be considered a felony to coerce, threaten, or intimidate an individual into
14 establishing an independent business.”

15 SECTION 4. Any person or persons creating intellectual property as defined and protected by
16 federal copyright law, federal licensing laws, or any other applicable federal, state, or
17 international law or treaty governing intellectual property, shall be exempted from the provisions
18 of Section 148B of Chapter 149 of the General Laws, as appearing in the 2008 Official Edition.