SENATE . . . . No. 00957

The Commonwealth of Massachusetts

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PRESENTED BY:

Michael J. Rodrigues

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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..

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	*First Bristol and Plymouth*
Carolyn C. Dykema	*8th Middlesex*

SENATE . . . . No. 00957

By Mr. Rodrigues, petition (accompanied by bill, Senate, No. 957) of Dykema and Rodrigues for legislation relative to certain independent contractors under the labor laws [Joint Committee on Labor and Workforce Development].

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven

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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 Massachusetts General Laws, as

2 amended by section 26 of chapter 193 of the acts of 2004, is hereby amended by striking out

3 paragraph (a) and inserting in place the following new paragraph:-

4   (a) For the purpose of this chapter and chapter 151, an individual performing any service,

5 except as authorized under this chapter, shall be considered to be an employee under those

6 chapters unless:-

7   (1) the individual is free from control and direction in connection with the performance

8 of the service, both under his contract for the performance of service and in fact; and

9   (2) the service is performed outside the usual course of the business of the employer;

10 or,

11   (3) the individual is customarily engaged in an independently established trade,

12 occupation, profession or business of the same nature as that involved in the service performed.