

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1095

                                  By: Osburn

7                                   AS INTRODUCED

8                   An Act relating to labor; creating the Empower  
9                   Independent Contractors Act of 2019; providing for  
10                  purpose of act; authorizing Oklahoma Employment  
11                  Security Commission to determine certain employee  
12                  status; providing for determination of status;  
13                  authorizing promulgation of rules; providing for  
14                  codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15           SECTION 1.       NEW LAW       A new section of law to be codified  
16           in the Oklahoma Statutes as Section 1-210.1 of Title 40, unless  
17           there is created a duplication in numbering, reads as follows:

18           A.   This act shall be known and may be cited as the "Empower  
19           Independent Contractors Act of 2019".   The purpose of this act is to  
20           help employers create jobs, help individuals get back to work and  
21           out of welfare, and grow the economy.

22           B.   The Oklahoma Employment Security Commission shall have the  
23           authority to make a determination of whether an individual is an  
24           independent contractor or employee.   For purposes of this act,

1 services are employment if the services are performed by an  
2 individual who the Commission determines to be in an employer-  
3 employee relationship using the 20-factor test used by the Internal  
4 Revenue Service of the United States Department of Treasury in  
5 Revenue Ruling 87-41, 1987-1 C.B. 296.

6 C. The Oklahoma Employment Security Commission shall promulgate  
7 rules necessary for the purposes of carrying out this act.

8 SECTION 2. This act shall become effective January 1, 2020.

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10 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated  
11 02/27/2019 - DO PASS.

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