

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 90 Session of 2023

INTRODUCED BY TARTAGLIONE, HAYWOOD, BREWSTER, KEARNEY, FONTANA, KANE, SCHWANK, DILLON, CAPPELLETTI, SANTARSIERO AND COMMITTA, JANUARY 18, 2023

REFERRED TO LABOR AND INDUSTRY, JANUARY 18, 2023

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled  
 2 "An act prohibiting certain practices of discrimination  
 3 because of race, color, religious creed, ancestry, age or  
 4 national origin by employers, employment agencies, labor  
 5 organizations and others as herein defined; creating the  
 6 Pennsylvania Human Relations Commission in the Governor's  
 7 Office; defining its functions, powers and duties; providing  
 8 for procedure and enforcement; providing for formulation of  
 9 an educational program to prevent prejudice; providing for  
 10 judicial review and enforcement and imposing penalties,"  
 11 further providing for definitions.

12 The General Assembly of the Commonwealth of Pennsylvania  
 13 hereby enacts as follows:

14 Section 1. Section 4(c) and (x) of the act of October 27,  
 15 1955 (P.L.744, No.222), known as the Pennsylvania Human  
 16 Relations Act, are amended to read:

17 Section 4. Definitions.--As used in this act unless a  
 18 different meaning clearly appears from the context:

19 \* \* \*

20 (c) The term "employee" [does not include (1) any individual  
 21 employed in agriculture or in the domestic service of any  
 22 person, (2) any individuals who, as a part of their employment,

1 reside in the personal residence of the employer, (3) any  
2 individual employed by said individual's parents, spouse or  
3 child.] means an individual subject to an employer's power to  
4 control the nature and parameters of the individual's  
5 activities, including hiring, firing, training, scheduling,  
6 directing work and proscribing the manner in which the work  
7 should be completed. The term does not include:

8 (1) an individual who is employed by and who works on a  
9 casual basis in a home or personal residence of another  
10 individual; or

11 (2) an individual employed by the individual's parent,  
12 spouse or child.

13 \* \* \*

14 (x) The term "independent contractor" includes:

15 (1) any person who is subject to the provisions governing  
16 any of the professions and occupations regulated by State  
17 licensing laws enforced by the Bureau of Professional and  
18 Occupational Affairs in the Department of State, or is included  
19 in [the Fair Housing Act (Public Law 90-284,) 42 U.S.C. [§ 3601  
20 et seq.).] Ch. 45 (relating to fair housing); or

21 (2) any person, other than an employe, who performs a  
22 service for remuneration under a contract, written or oral,  
23 express or implied, for an employer.

24 \* \* \*

25 Section 2. This act shall take effect in 60 days.