

SENATE BILL 3750

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-102(10)(D), is amended by deleting the subdivision in its entirety and substituting instead the following:

(D)

(i) In a work relationship, in order to determine whether an individual is an "employee," or whether an individual is an "independent contractor," the following factors shall be considered:

- (a) The right to control the conduct of the work;
- (b) The right of termination;
- (c) The method of payment;
- (d) The freedom to select and hire helpers;
- (e) The furnishing of tools and equipment;
- (f) Self-scheduling of working hours; and
- (g) The freedom to offer services to other entities;

(ii) If the court finds that one (1) or more of the factors listed in subdivision (10)(D)(i) tend to prove that the individual is an "independent contractor" and not an "employee," then there shall be a rebuttable presumption that the individual is an "independent contractor" and not an "employee."

(ii) If the court finds that three (3) or more of the factors listed in subdivision (10)(D)(i) tend to prove that the individual is an "independent

contractor” and not an “employee,” then the individual shall be considered to be an “independent contractor” and not an “employee” for purposes of this chapter.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.