

EMPLOYEE STATUS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends Title 34, Labor in General regarding the employment status of certain workers.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ establishes that a remote-service contractor is not an employee of a marketplace company if certain conditions are met.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-53a-101, Utah Code Annotated 1953

34-53a-102, Utah Code Annotated 1953

34-53a-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-53a-101** is enacted to read:

CHAPTER 53a. REMOTE SERVICE MARKETPLACE PLATFORMS ACT

Part 1. General Provisions

30 **34-53a-101. Title.**

31 This chapter is known as "Remote Service Marketplace Platforms Act."

32 Section 2. Section **34-53a-102** is enacted to read:

33 **34-53a-102. Definitions.**

34 As used in this chapter:

35 (1) "Digital application" means an Internet-connected software application that a
36 person uses to obtain or provide a remote service.

37 (2) "Marketplace company" means a person that:

38 (a) offers a digital application to the public; and

39 (b) accepts requests for remote services exclusively through the person's digital
40 application.

41 (3) (a) "Remote service" means a service that a person performs remotely through a
42 digital application.

43 (b) "Remote service" includes tutoring, closed captioning, open captioning, subtitling,
44 transcribing, translating, interpreting, and conducting a language assessment remotely through
45 a digital application.

46 (4) "Remote-service contractor" means a person who uses a marketplace company's
47 digital application to provide a remote service to another person.

48 Section 3. Section **34-53a-201** is enacted to read:

49 **Part 2. Employment Status**

50 **34-53a-201. Conditions under which a remote-service contractor is not an**
51 **employee of a marketplace company.**

52 (1) A remote-service contractor is not an employee of a marketplace company, if under
53 the agreement between the remote-service contractor and the marketplace company and in fact:

54 (a) all or substantially all of the work the remote-service contractor performs under the
55 agreement:

56 (i) is on a per-job or per-transaction basis; and

57 (ii) the remote-service contractor receives payment for on an hourly, per-job, or

58 per-transaction basis;

59 (b) the marketplace company does not:

60 (i) prescribe specific hours during which the remote-service contractor must be
61 available to accept a request for remote service;

62 (ii) prescribe a specific location where the remote-service contractor must be available
63 to perform a remote service; or

64 (iii) restrict the remote-service contractor from engaging in another occupation or
65 business; and

66 (c) except for the use of the marketplace company's digital application, the
67 remote-service contractor is responsible for providing the necessary tools, materials, and
68 equipment to perform a remote service a person requests through the marketplace company's
69 digital application.

70 (2) A marketplace company's act of screening or training a remote-service contractor
71 does not affect the remote-service contractor's employment status under this chapter.