

SENATE FILE NO. SF0096

Workforce services-independent contractors.

Sponsored by: Senator(s) Scott and Landen and
Representative(s) Brown, Greear and Stubson

A BILL

for

1 AN ACT relating to labor and employment; amending the
2 definition of independent contractor for purposes of
3 unemployment compensation and workers' compensation; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 27-3-104(b)(i) and by creating new
9 paragraphs (vii) and (viii) and 27-14-102(a)(xxiii)(A) and
10 by creating new subparagraphs (E) and (F) are amended to
11 read:

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13 **27-3-104. "Employment" defined; generally;**
14 **exceptions.**

15

1 (b) An individual who performs service for wages is
2 an employee for purposes of this act unless it is shown
3 that the individual:

4
5 (i) ~~Is~~ Has been and will continue to be free
6 from control ~~or~~ and direction ~~over the details of in~~
7 connection with the performance of the services, ~~by both~~
8 under the contract for the performance of service and ~~by in~~
9 fact;

10

11 (vii) Performs service either outside the usual
12 course of the business for which the service is performed
13 or is performed outside of all the places of business of
14 the enterprise for which the service is performed; and

15

16 (viii) Is customarily engaged in an
17 independently established trade, occupation, profession or
18 business of the same nature as that involved in the service
19 performed.

20

21 **27-14-102. Definitions.**

22

23 (a) As used in this act:

24

1 (xxiii) "Independent contractor" means an
2 individual who performs services for another individual or
3 entity and:

4
5 (A) ~~Is~~ Has been and will continue to be
6 free from control ~~or and~~ direction ~~over the details of in~~
7 connection with the performance of the services, ~~by both~~
8 under the contract for the performance of service and ~~by in~~
9 fact;

10

11 (E) Performs service either outside the
12 usual course of the business for which the service is
13 performed or is performed outside of all the places of
14 business of the enterprise for which the service is
15 performed; and

16

17 (F) Is customarily engaged in an
18 independently established trade, occupation, profession or
19 business of the same nature as that involved in the service
20 performed.

21

22 **Section 2.** W.S. 27-3-104 (b) (v) and (vi) and
23 27-14-102(a) (xiii) (C) and (D) are repealed.

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