
By: Senator Ferguson

Requested: August 28, 1995

Introduced and read first time: January 10, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Bus Drivers - Independent Contractor and Covered Employment Status**

3 FOR the purpose of providing that a bus driver is an independent contractor if the bus
4 driver owns, rents, or leases a bus under certain circumstances; providing that a bus
5 driver is not a covered employee for unemployment insurance purposes if the bus
6 driver owns, rents, or leases a bus under certain circumstances; providing that a bus
7 driver is not a covered employee for purposes of workers' compensation if the bus
8 driver owns, rents, or leases a bus under certain circumstances; defining a certain
9 term; and generally relating to the status of bus drivers as independent contractors
10 and covered employees for purposes of unemployment insurance and workers'
11 compensation.

12 BY adding to

13 Article - Labor and Employment
14 Section 1-301 to be under the new subtitle "Subtitle 3. Miscellaneous"; 8-223 and
15 9-237
16 Annotated Code of Maryland
17 (1991 Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Labor and Employment**

21 SUBTITLE 3. MISCELLANEOUS.

22 1-301.

23 (A) IN THIS SECTION, "BUS" MEANS A CLASS H (SCHOOL) VEHICLE, AS
24 DESCRIBED IN § 13-932 OF THE TRANSPORTATION ARTICLE, OR A CLASS P
25 (PASSENGER BUS) VEHICLE, AS DESCRIBED IN § 13-933 OF THE TRANSPORTATION
26 ARTICLE.

27 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A BUS DRIVER IS AN
28 INDEPENDENT CONTRACTOR, IF THE BUS THAT THE BUS DRIVER USES TO
29 TRANSPORT THE PASSENGERS IS A BUS THAT THE BUS DRIVER OWNS, RENTS, OR

2

1 LEASES IN THE BUS DRIVER'S OWN NAME OR IN THE NAME OF AN ENTITY THAT THE
2 BUS DRIVER OWNS OR PARTLY OWNS.

3 8-223.

4 (A) IN THIS SECTION, "BUS" MEANS A CLASS H (SCHOOL) VEHICLE, AS
5 DESCRIBED IN § 13-932 OF THE TRANSPORTATION ARTICLE, OR A CLASS P
6 (PASSENGER BUS) VEHICLE, AS DESCRIBED IN § 13-933 OF THE TRANSPORTATION
7 ARTICLE.

8 (B) EMPLOYMENT PERFORMED BY A BUS DRIVER IS NOT COVERED
9 EMPLOYMENT IF THE BUS THAT THE BUS DRIVER USES TO TRANSPORT THE
10 PASSENGERS IS A BUS THAT THE BUS DRIVER OWNS, RENTS, OR LEASES IN THE BUS
11 DRIVER'S OWN NAME OR IN THE NAME OF AN ENTITY THAT THE BUS DRIVER OWNS
12 OR PARTLY OWNS.

13 9-237.

14 (A) IN THIS SECTION, "BUS" MEANS A CLASS H (SCHOOL) VEHICLE, AS
15 DESCRIBED IN § 13-932 OF THE TRANSPORTATION ARTICLE, OR A CLASS P
16 (PASSENGER BUS) VEHICLE, AS DESCRIBED IN § 13-933 OF THE TRANSPORTATION
17 ARTICLE.

18 (B) EXCEPT AS PROVIDED IN § 9-227 OF THIS ARTICLE, A BUS DRIVER IS NOT A
19 COVERED EMPLOYEE IF THE BUS THAT THE BUS DRIVER USES TO TRANSPORT THE
20 PASSENGERS IS A BUS THAT THE BUS DRIVER OWNS, RENTS, OR LEASES IN THE BUS
21 DRIVER'S OWN NAME OR IN THE NAME OF AN ENTITY THAT THE BUS DRIVER OWNS
22 OR PARTLY OWNS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1996.