

# HOUSE BILL 649

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9lr2226  
CF 9lr2509

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By: **Delegates Carr, Feldman, Krebs, Myers, Taylor, Waldstreicher, and Walkup**

Introduced and read first time: February 9, 2009

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Independent Contractor – Definition**

3 FOR the purpose of defining “independent contractor”; and generally relating to the  
4 definition of independent contractor.

5 BY repealing and reenacting, with amendments,  
6 Article – Labor and Employment  
7 Section 1–101  
8 Annotated Code of Maryland  
9 (2008 Replacement Volume)

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

12 **Article – Labor and Employment**

13 1–101.

14 (a) In this article the following words have the meanings indicated.

15 (b) “County” means a county of the State and, unless expressly provided  
16 otherwise, Baltimore City.

17 (c) “Governmental unit” means:

18 (1) the State;

19 (2) a county, municipal corporation, or other political subdivision of  
20 the State; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a unit of the State government or of a political subdivision.

2 (D) **“INDEPENDENT CONTRACTOR” MEANS AN INDIVIDUAL WHO IS NOT**  
3 **AN EMPLOYEE FOR PURPOSES OF THE FEDERAL INSURANCE CONTRIBUTIONS**  
4 **ACT AND THE FEDERAL UNEMPLOYMENT TAX ACT, BASED ON APPLICATION OF**  
5 **THE 20 FACTORS SET FORTH IN THE INTERNAL REVENUE SERVICE REVENUE**  
6 **RULING 87-41, ISSUED PURSUANT TO 26 C.F.R. 31.3306(I)-1 AND 26 C.F.R.**  
7 **31.3121(D)-1.**

8 [(d)] (E) “Person” means an individual, receiver, trustee, guardian, personal  
9 representative, fiduciary, or representative of any kind and any partnership, firm,  
10 association, corporation, or other entity.

11 [(e)] (F) “State” means:

12 (1) a state, possession, or commonwealth of the United States;

13 (2) except as provided in § 8-101(w) of this article, a territory of the  
14 United States; or

15 (3) the District of Columbia.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2009.