SENATE BILL 1006

C2

9lr2509
CF HB 649

By: **Senator Garagiola**
Introduced and read first time: February 27, 2009
Assigned to: Rules

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:

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

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

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

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

10   **[**(e)**] (F)**   "State" means:

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

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

14   (3)   the District of Columbia.

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