

HOUSE BILL 1341

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By: **Delegate Davis**

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Exemption from Covered Employment –**
3 **Messenger Service Drivers**

4 FOR the purpose of defining “messenger service business” as it relates to a provision of
5 law that establishes that work performed by certain messenger service drivers
6 is not covered employment under the unemployment insurance law; and
7 generally relating to coverage of work performed by messenger service drivers
8 under unemployment insurance law.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 8–206(d)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

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

16 **Article – Labor and Employment**

17 8–206.

18 (d) **(1) IN THIS SUBSECTION, “MESSENGER SERVICE BUSINESS”**
19 **MEANS A BUSINESS PRIMARILY ENGAGED IN THE CONTRACTED EXPEDITED OR**
20 **SAME-DAY DELIVERY OF INDIVIDUALLY ADDRESSED MAIL, MESSAGES,**
21 **DOCUMENTS, EITHER IN PAPER OR MAGNETIC MEDIA FORMAT, SUPPLIES,**
22 **RECORDS, PARCELS, OR OBJECTS TO THE PUBLIC OR TO INDUSTRIAL OR**
23 **COMMERCIAL ESTABLISHMENTS GENERALLY INVOLVING OUTSIDE TRAVEL ON**
24 **FOOT, BY BICYCLE, OR BY MOTOR VEHICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2)** Work that a messenger service driver performs for a person who is
2 engaged in the messenger service business is not covered employment if the Secretary
3 is satisfied that:

4 **[(1)] (I)** the driver and the person who is engaged in the
5 messenger service business have entered into a written agreement that is currently in
6 effect;

7 **[(2)] (II)** the driver personally provides the vehicle;

8 **[(3)] (III)** compensation is by commission only;

9 **[(4)] (IV)** the driver may set personal work hours; and

10 **[(5)] (V)** the written agreement states expressly and
11 prominently that the driver knows:

12 **[(i)] 1.** of the responsibility to pay estimated Social
13 Security taxes and State and federal income taxes;

14 **[(ii)] 2.** that the Social Security tax the driver must pay
15 is higher than the Social Security tax the driver would pay otherwise; and

16 **[(iii)] 3.** that the work is not covered employment.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.