

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1343 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jason Dunnington \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1343

By: Dunnington

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to labor; requiring certain contractors be treated as independent contractors; providing conditions; defining terms; providing for codification; and providing an effective date.

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 901 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. A qualified marketplace contractor shall be treated as an independent contractor for all purposes under state and local laws, regulations and ordinances, including but not limited to the Employment Security Act of 1980 and the Administrative Workers' Compensation Act, if:

1. All or substantially all of the remuneration for the services performed by such contractor is directly related to the performance of services or other output rather than to the number of hours worked;

1        2. The services performed by the contractor are governed by a  
2 written contract executed between such contractor and a qualified  
3 marketplace platform; and

4        3. The written contract provided for in paragraph 2 of this  
5 subsection shall include, but not be limited to, provisions that  
6 provide for the following:

- 7            a. that the contractor shall be engaged as an independent  
8            contractor, not as an employee,
- 9            b. that the contractor shall, in accordance with  
10            paragraph 1 of subsection A of this section, be paid  
11            based on the performance of services or other output,
- 12            c. that the contractor shall be permitted to work any  
13            hours or schedules he or she chooses, provided that if  
14            a contractor elects to work specified hours or  
15            schedules, a contract may require the worker to  
16            perform work during the selected hours or schedules,
- 17            d. that the contractor shall be free to engage in any  
18            other occupation or business opportunity, including  
19            performing services through other qualified  
20            marketplace platforms,
- 21            e. that the contractor shall bear all or substantially  
22            all of his or her own expenses,

1           f.     that the qualified marketplace contractor shall be  
2                   responsible for tax on the qualified marketplace  
3                   contractor's own income, and

4           g.     that the contract and the association created thereby  
5                   may be terminated without cause by either party  
6                   thereto at any time upon reasonable notice given to  
7                   the other.

8           B.     For purposes of this section, the term "qualified  
9     marketplace platform" shall mean an organization, including, but not  
10    limited to, a corporation, limited liability company, partnership,  
11    sole proprietor, or any other entity, that operates a digital  
12    application or digital platform that facilitates the provision of  
13    services by qualified marketplace contractors to individuals or  
14    entities seeking such services.

15          C.     For purposes of this section, the term "qualified  
16     marketplace contractor" or "contractor" shall mean any person or  
17     organization, including, but not limited to, a natural person,  
18     corporation, limited liability company, partnership, sole  
19     proprietor, or other entity, that enters into an agreement with a  
20     qualified marketplace platform to use the platform's digital  
21     application or digital platform to provide services to individuals  
22     or entities seeking such services.

23          D.     For services performed by a marketplace contractor prior to  
24     the enactment of this section, the qualified marketplace contractor

1 shall be treated as an independent contractor for all purposes under  
2 state and local laws, regulations and ordinances, including but not  
3 limited to the Employment Security Act of 1980 and the  
4 Administrative Workers' Compensation Act, if:

5 1. All or substantially all of the remuneration for the  
6 services performed by such contractor was directly related to the  
7 performance of services or other output rather than to the number of  
8 hours worked; and

9 2. The services performed by the contractor were governed by a  
10 written contract executed between the contractor and a qualified  
11 marketplace platform that conforms to the requirements of paragraph  
12 3 of subsection A of this section.

13 SECTION 2. This act shall become effective November 1, 2016.

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15 55-2-8959 LRB 02/05/16  
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