

2023 -- S 0427 SUBSTITUTE B

LC001486/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

**RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION--
GENERAL PROVISIONS**

Introduced By: Senators McKenney, Britto, F. Lombardi, Burke, Ciccone, and
LaMountain

Date Introduced: February 16, 2023

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-29-17.1 of the General Laws in Chapter 28-29 entitled "Workers'
2 Compensation — General Provisions" is hereby amended to read as follows:

3 **28-29-17.1. Notice of designation as independent contractor.**

4 (a) A person will not be considered an "independent contractor" unless that person files a
5 notice of designation with the director, consistent with rules and regulations established by the
6 director, in writing, on a form [or on a form capable of being filed electronically](#) provided by the
7 director, that the person is an "independent contractor". [A person shall be required to file the form](#)
8 [annually, regardless of how many forms are filed.](#) The filing of the notice of designation shall be a
9 presumption of "independent contractor" status but shall not preclude a finding of independent
10 contractor status by the court when the notice is not filed with the director. That designation shall
11 continue in force and effect unless the person withdraws that designation by filing a notice with the
12 director, in writing, on a form provided by the director, that the person is no longer an "independent
13 contractor". Any designation or withdrawal of designation form shall be deemed public information
14 and the director shall furnish copies or make available electronically the forms and designations,
15 upon written request, to any employer or insurer or its authorized representative.

16 (b) The workers' compensation court may, upon petition of an employee, the dependents
17 of a deceased employee, or any other party in interest at any time, vacate any "notice of
18 designation" if the "notice of designation" has been improperly procured.

1 (c) The provisions of subsections (a) and (b) of this section shall only apply to injuries
2 occurring on and after January 1, 2001.

3 (d) By April 1 of each year, the department of labor and training will send a list of all
4 individuals who have filed a designation form to the Rhode Island department of taxation.

5 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would require that any person who is considered an independent contractor to file
2 a designation form by January 31 of each year at a maximum cost of fifty dollars (\$50.00),
3 regardless of how many forms are filed and require the department of labor and training to provide
4 a list of those independent contractors to the department of revenue by April 1 of each year.

5 This act would take effect on January 1, 2024.

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