

HOUSE BILL NO. HB0059

Workforce services-independent contractors.

Sponsored by: Representative(s) Larsen

A BILL

for

1 AN ACT relating to labor and employment; amending the  
2 definition of independent contractor for purposes of  
3 unemployment compensation and workers' compensation;  
4 specifying applicability; and providing for an effective  
5 date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 27-3-104(b)(i), (v) and by creating a  
10 new subsection (d) and 27-14-102(a)(xxiii)(A), (C) and by  
11 creating a new paragraph (xxxi) are amended to read:

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13 **27-3-104. "Employment" defined; generally;**  
14 **exceptions.**

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1 (b) An individual who performs service for wages is  
2 an employee for purposes of this act unless it is shown  
3 that the individual:

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5 (i) Is free from control or direction over the  
6 ~~details~~ means and manner of the performance of services by  
7 contract and by fact;

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9 (v) Represents his services to the public and is  
10 customarily engaged as a self-employed individual or an  
11 independent contractor. ~~and~~

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13 (d) As used in this section:

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15 (i) "Free from control or direction" means that  
16 the independent contractor determines the means and manner  
17 of performing the contracted services and is free from the  
18 right of another person to control the means or manner by  
19 which the independent contractor provides services;

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21 (ii) "Manner" means the method by which  
22 contracted services are performed, including but not

1 limited to work schedules, work processes and work  
2 procedures;

3  
4 (iii) "Means" are the resources used or needed  
5 in performing contracted services, including but not  
6 limited to tools, equipment, labor, devices, plans,  
7 materials, licenses, property, work location and assets.

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9 **27-14-102. Definitions.**

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11 (a) As used in this act:

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13 (xxiii) "Independent contractor" means an  
14 individual who performs services for another individual or  
15 entity and:

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17 (A) Is free from control or direction over  
18 the ~~details~~ means and manner of the performance of services  
19 by contract and by fact;

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21 (C) Represents his services to the public  
22 and is customarily engaged as a self-employed individual or  
23 an independent contractor. ~~and~~

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(xxxi) For purposes of identifying an independent contractor as defined in paragraph (xxiii) of this subsection:

(A) "Free from control or direction" means that the independent contractor determines the means and manner of performing the contracted services and is free from the right of another person to control the means or manner by which the independent contractor provides services;

(B) "Manner" means the method by which contracted services are performed, including but not limited to work schedules, work processes and work procedures;

(C) "Means" are the resources used or needed in performing contracted services, including but not limited to tools, equipment, labor, devices, plans, materials, licenses, property, work location and assets.

1           **Section 2.** W.S. 27-3-104(b)(vi) and  
2 27-14-102(a)(xxiii)(D) are repealed.

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4           **Section 3.**

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6           (a) This act is effective July 1, 2015.

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8           (b) This act shall apply to initial claims filed on  
9 or after the effective date of this act.

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11                                   (END)