

SENATE FILE NO. SF0096

Workforce services-independent contractors.

Sponsored by: Senator(s) Scott and Landen and
Representative(s) Brown, Greear and Stubson

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; and
4 providing for an effective date.

5

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

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8 **Section 1** W.S. 27-3-104(b)(intro), (vi) and by
9 creating new paragraphs (vii) and (viii) and
10 27-14-102(a)(xxiii)(intro), (D) and by creating new
11 subparagraphs (E) and (F) 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 performing the services either:

4
5 (vi) May substitute another individual to
6 perform his services; ~~or~~ or

7
8 (vii) Is free from control or direction,
9 asserted directly by the person or entity contracting for
10 the services, over the details of the performance of
11 services by contract and by fact; and

12
13 (viii) Has substantial investment used in
14 connection with the performance of the services. The
15 investment may include physical assets, financial assets,
16 education, experience, intellectual property or any
17 combination of these factors.

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19 **27-14-102. Definitions.**

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21 (a) As used in this act:

22

1 (xxiii) "Independent contractor" means an
2 individual who performs services for another individual or
3 entity and either:

4
5 (D) May substitute another person to
6 perform his services; ~~or~~ or

7
8 (E) Is free from control or direction,
9 asserted directly by the person or entity contracting for
10 the services, over the details of the performance of
11 services by contract and by fact; and

12
13 (F) Has substantial investment used in
14 connection with the performance of the services. The
15 investment may include physical assets, financial assets,
16 education, experience, intellectual property or any
17 combination of these factors.

18
19 **Section 2.**

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21 (a) This act is effective July 1, 2014.

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