

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0373.01 Kristen Forrestal x4217

SENATE BILL 15-107

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CLASSIFICATION OF INDEPENDENT CONTRACTORS BY
102 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Pursuant to the "Colorado Employment Security Act", service performed by an individual for another is deemed to be employment irrespective of whether the common-law relationship of master and servant exists, unless it is shown to the satisfaction of the division of labor in the department of labor and employment (division) that the individual is free from control and direction in the performance of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

service. The bill removes the requirement that freedom from control and direction must be shown "to the satisfaction of the division".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-70-115, **amend** (1)
3 (b) as follows:

4 **8-70-115. Employment - "Federal Unemployment Tax Act".**

5 (1) (b) Notwithstanding any other provision of this subsection (1) and
6 notwithstanding ~~the provisions of section 8-80-101,~~ service performed by
7 an individual for another ~~shall be~~ IS deemed to be employment,
8 irrespective of whether the common-law relationship of master and
9 servant exists, unless ~~and until it is shown to the satisfaction of the~~
10 ~~division that such~~ THAT THE individual is free from control and direction
11 in the performance of the service, both under his or her contract for the
12 performance of service and in fact; and ~~such~~ THE individual is
13 customarily engaged in an independent trade, occupation, profession, or
14 business related to the service performed. For purposes of this section, the
15 degree of control exercised by the person for whom the service is
16 performed over the performance of the service or over the individual
17 performing the service, if exercised pursuant to the requirements of any
18 state or federal statute or regulation, shall not be considered.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.