

3rd Sub. H.B. 116

DETERMINATION OF EMPLOYER STATUS AMENDMENTS

Senator **Gene Davis** proposes the following amendments:

1. Page 6, Lines 164 through 176:

164 31A-40-212. Determination of joint employers -- Franchisors excluded.
165 ~~{(1) For purposes of determining whether two or more persons are considered joint~~
166 ~~employers under this chapter, an administrative ruling of a federal executive agency may not be~~
167 ~~considered a generally applicable law unless that administrative ruling is determined to be~~
168 ~~generally applicable by a court of law, or adopted by statute or rule.}~~
169 ~~{(2)(a)}~~ (1) For purposes of this chapter, a franchisor is not considered to be an employer of:
170 ~~{(i)}~~ (a) a franchisee; or
171 ~~{(ii)}~~ (b) a franchisee's employee.
172 ~~{(b)}~~ (2) With respect to a specific claim for relief under this chapter made by a franchisee or
173 a franchisee's employee, this ~~{Subsection (2)}~~ section does not apply to a franchisor under a
franchise
174 that exercises a type or degree of control over the franchisee or the franchisee's employee not
175 customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks
176 and brand.