

1 **Service Marketplace Platforms Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason E. Thompson**

Senate Sponsor: Ronald M. Winterton

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to service marketplace platforms.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ authorizes a daycare provider to affiliate with a service marketplace platform;
- 10 ▶ establishes a presumption that a daycare provider affiliating with a service marketplace
- 11 platform is an independent contractor; and
- 12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **34-53-102**, as enacted by Laws of Utah 2018, Chapter 386

20 **34-53-201**, as enacted by Laws of Utah 2018, Chapter 386

21 ENACTS:

22 **34-53-202**, Utah Code Annotated 1953

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **34-53-102** is amended to read:

26 **34-53-102 . Definitions.**

27 As used in this chapter:

28 (1) "Building service" means any of the following services, if the charge for the service is

29 \$3,000 or less:

30 (a) cleaning or janitorial;

- 31 (b) furniture delivery, assembly, moving, or installation;
- 32 (c) landscaping;
- 33 (d) home repair; or
- 34 (e) any service similar to the services described in Subsections (1)(a) through (d).
- 35 (2) "Building service contractor" means a person who enters into an agreement with a
- 36 service marketplace platform to use the service marketplace platform's software platform
- 37 to connect with and receive requests from customers seeking a building service.
- 38 (3) "Daycare provider" means an individual who enters into an agreement with a service
- 39 marketplace platform to use the service marketplace platform's software platform to
- 40 connect with and receive requests from customers seeking daycare service.
- 41 (4) "Daycare service" means a paid service provided by an individual:
- 42 (a) for the supervision and care of one or more children; and
- 43 (b) during a period of time where the parent or guardian of the child is not present.
- 44 [~~3~~] (5) "Service marketplace platform" means an entity that:
- 45 (a) uses an Internet-connected software platform, including a mobile application:
- 46 (i) to connect building service contractors with customers seeking a building service;
- 47 and
- 48 (ii) through which a customer may request a building service; and
- 49 (b) charges the building service contractor a fee to use the software platform.

50 Section 2. Section **34-53-201** is amended to read:

51 **34-53-201 . Independent contractor presumption -- Building service contractor.**

- 52 (1) A building service contractor may affiliate with a service marketplace platform as an
- 53 independent contractor or as an employee.
- 54 (2)(a) There is a presumption that a building service contractor who affiliates with a
- 55 service marketplace platform is an independent contractor of the service marketplace
- 56 platform, unless there is clear and convincing evidence that the parties intended the
- 57 building service contractor to be an employee.
- 58 (b) The presumption described in Subsection (2)(a) extends to each act the building
- 59 service contractor performs in connection with a request for a building service placed
- 60 through the service marketplace platform.

61 Section 3. Section **34-53-202** is enacted to read:

62 **34-53-202 . Independent contractor presumption -- Daycare provider.**

- 63 (1) A daycare provider may affiliate with a service marketplace platform as an independent
- 64 contractor or as an employee.

65 (2)(a) There is a presumption that a daycare provider who affiliates with a service  
66 marketplace platform is an independent contractor of the service marketplace  
67 platform, unless there is clear and convincing evidence that the parties intended the  
68 daycare provider to be an employee.

69 (b) The presumption described in Subsection (2)(a) extends to each act the daycare  
70 provider performs in connection with a service request placed through the service  
71 marketplace platform.

72 Section 4. **Effective Date.**

73 This bill takes effect on May 7, 2025.