

Effective 5/5/2021

Chapter 53a
Remote Service Marketplace Platforms Act

Part 1
General Provisions

34-53a-101 Title.

This chapter is known as "Remote Service Marketplace Platforms Act."

Enacted by Chapter 198, 2021 General Session

34-53a-102 Definitions.

As used in this chapter:

- (1) "Digital application" means an Internet-connected software application that a person uses to obtain or provide a remote service.
- (2) "Marketplace company" means a person that:
 - (a) offers a digital application to the public; and
 - (b) accepts requests for remote services exclusively through the person's digital application.
- (3)
 - (a) "Remote service" means a service that a person performs remotely through a digital application.
 - (b) "Remote service" includes tutoring, closed captioning, open captioning, subtitling, transcribing, translating, interpreting, and conducting a language assessment remotely through a digital application.
- (4) "Remote-service contractor" means a person who uses a marketplace company's digital application to provide a remote service to another person.

Enacted by Chapter 198, 2021 General Session

Part 2
Employment Status

34-53a-201 Conditions under which a remote-service contractor is not an employee of a marketplace company.

- (1) A remote-service contractor is not an employee of a marketplace company, if under the agreement between the remote-service contractor and the marketplace company and in fact:
 - (a) all or substantially all of the work the remote-service contractor performs under the agreement:
 - (i) is on a per-job or per-transaction basis; and
 - (ii) the remote-service contractor receives payment for on an hourly, per-job, or per-transaction basis;
 - (b) the marketplace company does not:
 - (i) prescribe specific hours during which the remote-service contractor must be available to accept a request for remote service;

- (ii) prescribe a specific location where the remote-service contractor must be available to perform a remote service; or
 - (iii) restrict the remote-service contractor from engaging in another occupation or business; and
 - (c) except for the use of the marketplace company's digital application, the remote-service contractor is responsible for providing the necessary tools, materials, and equipment to perform a remote service a person requests through the marketplace company's digital application.
- (2) A marketplace company's act of screening or training a remote-service contractor does not affect the remote-service contractor's employment status under this chapter.

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