

**EMPLOYEE STATUS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 12 voting for 2 voting against 6 absent

**General Description:**

This bill amends Title 34, Labor in General regarding the employment status of certain workers.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ establishes that a remote-service contractor is not an employee of a marketplace company if certain conditions are met.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**34-53a-101**, Utah Code Annotated 1953

**34-53a-102**, Utah Code Annotated 1953

**34-53a-201**, Utah Code Annotated 1953



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29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **34-53a-101** is enacted to read:31 **CHAPTER 53a. REMOTE SERVICE MARKETPLACE PLATFORMS ACT**32 **Part 1. General Provisions**33 **34-53a-101. Title.**34 This chapter is known as "Remote Service Marketplace Platforms Act."35 Section 2. Section **34-53a-102** is enacted to read:36 **34-53a-102. Definitions.**37 As used in this chapter:38 (1) "Digital application" means an Internet-connected software application that a  
39 person uses to obtain or provide a remote service.40 (2) "Marketplace company" means a person that:41 (a) offers a digital application to the public; and42 (b) accepts requests for remote services exclusively through the person's digital  
43 application.44 (3) (a) "Remote service" means a service that a person performs remotely through a  
45 digital application.46 (b) "Remote service" includes tutoring, closed captioning, open captioning, subtitling,  
47 transcribing, translating, ~~§~~→ **interpreting**, ←~~§~~ and conducting a language assessment remotely  
47a through a digital  
48 application.49 (4) "Remote-service contractor" means a person who uses a marketplace company's  
50 digital application to provide a remote service to another person.51 Section 3. Section **34-53a-201** is enacted to read:52 **Part 2. Employment Status**53 **34-53a-201. Conditions under which a remote-service contractor is not an**  
54 **employee of a marketplace company.**55 (1) A remote-service contractor is not an employee of a marketplace company, if under  
56 the agreement between the remote-service contractor and the marketplace company and in fact:57 (a) all or substantially all of the work the remote-service contractor performs under the  
58 agreement:

- 59           (i) is on a per-job or per-transaction basis; and  
60           (ii) the remote-service contractor receives payment for on an hourly, per-job, or  
61 per-transaction basis;  
62           (b) the marketplace company does not:  
63           (i) prescribe specific hours during which the remote-service contractor must be  
64 available to accept a request for remote service;  
65           (ii) prescribe a specific location where the remote-service contractor must be available  
66 to perform a remote service; or  
67           (iii) restrict the remote-service contractor from engaging in another occupation or  
68 business; and  
69           (c) except for the use of the marketplace company's digital application, the  
70 remote-service contractor is responsible for providing the necessary tools, materials, and  
71 equipment to perform a remote service a person requests through the marketplace company's  
72 digital application.  
73           (2) A marketplace company's act of screening or training a remote-service contractor  
74 does not affect the remote-service contractor's employment status under this chapter.