

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

Section 1. Section **34-53a-101** is enacted to read:

**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."

Section 2. Section **34-53a-102** is enacted to read:

**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, 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.

Section 3. Section **34-53a-201** is enacted to read:

**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:

- 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.