

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for House Bill No. 1137, Page 1, Section 285.500, Lines 3-9, by deleting said lines and inserting in lieu thereof the following:

"(1) "Employee", any individual who performs services for, or through the business of, a principal or an employer [~~that would indicate an employer-employee relationship in satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.~~], unless the individual satisfies the independent contractor requirement under section 285.517;

(2) "Employer", any person or entity, having control or direction of any person employed at any labor or any person or entity that is responsible directly or indirectly for the wages of another person[~~individual, organization, partnership, political subdivision, corporation, or other legal entity which has or had in the entity's employ five or more individuals performing public works as defined in section 290.210;~~]" and

Further amend said bill, page and section, Line 14, by deleting said line inserting thereof in lieu the following:

"person's conduct is practically certain to cause the result;

(4) "Principal," any person or entity that has workers who perform services or work for, or through the business of, the person, firm, entity, corporation, agent, manager, representative, contractor, or subcontractor."; and

Further amend said bill and page, Section 285.517, Line 1, by deleting the phrase "performs work for any employer and"; and

Further amend said bill, page, and section, Line 1, by deleting the phrase "all of"; and

Further amend said bill and section, Pages 2-3, Lines 3, 7, 8, 11, 12, 32, 37, 39, 41, 42, 49, 50, and 52, by deleting the word "employer" and inserting in lieu thereof the word "principal"; and

Further amend said bill and section, Page 2, Line 4, by deleting the phrase "employer's" and inserting in lieu thereof the word "principal's"; and

Further amend said bill, page, and section, Line 6, by deleting the phrase "for the employer"; and

Further amend said bill, page, and section, Lines 15-17, by deleting all of said lines and inserting in lieu thereof the following:

Action Taken _____ Date _____

1
2 "a. The expenses are for travel that is not local; or
3 b. The supplies or expenses reimbursed are commonly reimbursed under industry practice;"
4 and

5
6 Further amend said bill, page, and section, Lines 19-30, by deleting all of said section and inserting
7 in lieu thereof the following:

8
9 "(2) The person has either:

10 (a) Filed, intends to file, or is contractually required to file, in regard to the fees earned from
11 work, an income tax return with the Internal Revenue Service for a business or for earnings from
12 self-employment; or

13 (b) Provides his or her services through a business entity including, but not limited to, a
14 partnership, limited liability company, or corporation, or through a sole proprietorship; and

15 (3) The person has the right to control the manner and means by which the work is to be
16 accomplished, even though he or she may not have control over the final result of the work. Control
17 that is exercised by the principal in order to ensure compliance with the law, to protect its licenses or
18 permits, to protect persons or property, or to coordinate a larger undertaking, shall not render the
19 person to be an employee; and

20 (4) The person satisfies five or more of the following:"; and

21
22 Further amend said bill and section, Page 3, Line 57, by inserting immediately after the word "No"
23 the words "principal or"; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.