

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1095

 By: Osburn

7 AS INTRODUCED

8 An Act relating to labor; creating the Empower
9 Independent Contractors Act of 2019; providing for
10 purpose of act; authorizing Oklahoma Employment
11 Security Commission to determine certain employee
12 status; providing for determination of status;
13 authorizing promulgation of rules; providing for
14 codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-210.1 of Title 40, unless
17 there is created a duplication in numbering, reads as follows:

18 A. This act shall be known and may be cited as the "Empower
19 Independent Contractors Act of 2019". The purpose of this act is to
20 help employers create jobs, help individuals get back to work and
21 out of welfare, and grow the economy.

22 B. The Oklahoma Employment Security Commission shall have the
23 authority to make a determination of whether an individual is an
24 independent contractor or employee. For purposes of this act,

1 services are employment if the services are performed by an
2 individual who the Commission determines to be in an employer-
3 employee relationship using the 20-factor test used by the Internal
4 Revenue Service of the United States Department of Treasury in
5 Revenue Ruling 87-41, 1987-1 C.B. 296.

6 C. The Oklahoma Employment Security Commission shall promulgate
7 rules necessary for the purposes of carrying out this act.

8 SECTION 2. This act shall become effective January 1, 2020.

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10 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated
11 02/27/2019 - DO PASS.

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