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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2491

03/14/2019 Authored by Sundin, Ecklund, Lien, Lillie, Nelson and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to workers' compensation; modifying definition of independent contractors
1.3 in trucking and messenger/courier industries; amending Minnesota Statutes 2018,
1.4 section 176.043.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 176.043, is amended to read:

1.7 176.043 TRUCKING AND MESSENGER/COURIER INDUSTRIES;
1.8 INDEPENDENT CONTRACTORS.

1.9 In the trucking and messenger/courier industries, an operator of a car, van, truck, tractor,
1.10 or truck-tractor that is licensed and registered by a governmental motor vehicle agency is
1.11 an employee unless each of the following factors is present, and if each factor is present,
1.12 the operator is an independent contractor:

1.13 (1) the individual owns the equipment or holds it under a bona fide lease arrangement;

1.14 (2) the individual is responsible for the maintenance of the equipment;

1.15 (3) the individual is responsible for the operating costs, including fuel, repairs, supplies,
1.16 vehicle insurance, and personal expenses. The individual may be paid the carrier's fuel
1.17 surcharge and incidental costs, including, but not limited to, tolls, permits, and lumper fees;

1.18 (4) the individual is responsible for supplying the necessary personal services to operate
1.19 the equipment;

1.20 (5) the individual's compensation is based on factors related to the work performed, such
1.21 as a percentage of any schedule of rates, and not on the basis of the hours or time expended;

2.1 (6) the individual ~~substantially~~ controls the means and manner of performing the services,  
2.2 in conformance with regulatory requirements and specifications of the shipper; ~~and~~

2.3 (7) the business entity has the right to perform similar or different services for others  
2.4 using their equipment on whatever basis and whenever it chooses;

2.5 (8) is not required to sign an exclusivity agreement; and

2.6 ~~(7)~~ (9) the individual enters into a written contract that specifies the relationship to be  
2.7 that of an independent contractor and not that of an employee.