

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4018

(SENATE AUTHORS: SIMONSON, Bakk, Hoffman, Tomassoni and Marty)

DATE	D-PG	OFFICIAL STATUS
03/05/2020	5254	Introduction and first reading
		Referred to Jobs and Economic Growth Finance and Policy
04/16/2020	5628	Author added Marty

1.1 A bill for an act

1.2 relating to employment; clarifying definitions of employee and independent

1.3 contractor; proposing coding for new law in Minnesota Statutes, chapter 181.

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

1.5 Section 1. **[181.724] EMPLOYEES AND INDEPENDENT CONTRACTORS; TEST**

1.6 **FOR EMPLOYEE STATUS.**

1.7 (a) For purposes of this chapter and chapters 176, 177, 181A, 182, and 268, an individual

1.8 providing labor or services for remuneration, including an individual providing services

1.9 through a sole proprietorship or other business entity, shall be considered an employee

1.10 rather than an independent contractor unless the hiring entity demonstrates that all of the

1.11 following conditions are satisfied:

1.12 (1) the individual is free from the control and direction of the hiring entity in connection

1.13 with the performance of the work, both under the contract for the performance of the work

1.14 and in fact;

1.15 (2) the individual performs work that is outside the usual course of the hiring entity's

1.16 business; and

1.17 (3) the person is customarily engaged in an independently established trade, occupation,

1.18 or business of the same nature as that involved in the work performed.

1.19 (b) Notwithstanding paragraph (a), any exceptions to the terms "employee," "employer,"

1.20 "employ," or "independent contractor," that are expressly made by chapters 176, 177, 181A,

1.21 182, or 268, shall remain in effect for the purposes set forth therein.