EMPLOYEE STATUS AMENDMENTS

2021 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Curtis S. Bramble
House Sponsor: James A. Dunnigan

LONG TITLE

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

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
34-53a-101. Title.
This chapter is known as "Remote Service Marketplace Platforms Act."

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

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, interpreting, 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:
      (i) is on a per-job or per-transaction basis; and
      (ii) the remote-service contractor receives payment for on an hourly, per-job, or
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58 per-transaction basis;
59 (b) the marketplace company does not:
60 (i) prescribe specific hours during which the remote-service contractor must be
61 available to accept a request for remote service;
62 (ii) prescribe a specific location where the remote-service contractor must be available
63 to perform a remote service; or
64 (iii) restrict the remote-service contractor from engaging in another occupation or
65 business; and
66 (c) except for the use of the marketplace company's digital application, the
67 remote-service contractor is responsible for providing the necessary tools, materials, and
68 equipment to perform a remote service a person requests through the marketplace company's
69 digital application.
70 (2) A marketplace company's act of screening or training a remote-service contractor
71 does not affect the remote-service contractor's employment status under this chapter.