

HB 1349 – AS AMENDED BY THE SENATE

19Mar2014... 0751h
05/08/14 1615s

2014 SESSION

14-2490
06/01

HOUSE BILL **1349**

AN ACT relative to the definition of employee for purposes of workers' compensation and establishing a commission to study and make recommendations for a common definition of employee.

SPONSORS: Rep. Keith Murphy, Hills 7; Rep. Kelleigh Murphy, Hills 7; Rep. Schroadter, Rock 17

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill exempts any employer that relies in good faith on a written determination of the department of labor that an individual is not an employee from certain interest or late fees under RSA 282-A:141 and RSA 282-A:142.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the definition of employee for purposes of workers' compensation and establishing a commission to study and make recommendations for a common definition of employee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Unemployment Compensation; Late-Filing Fees; Exemption. Amend RSA 282-A
2 by inserting after section 142 the following new section:

3 282-A:142-a Exemption.

4 I. The department of employment security shall not charge an employer interest on past due
5 contributions under RSA 282-A:141 or late filing fees under RSA 282-A:142 to the extent that such
6 employer demonstrates:

7 (a) Such interest or late filing fees are due to the employer's failure to report the services
8 of an individual; and

9 (b) The employer failed to report the services of such individual due to reliance in good
10 faith by the employer on a written determination by the New Hampshire department of labor that
11 the individual was not an employee.

12 II. An election under RSA 281-A:18-a to exclude an executive officer or member of a
13 corporation or limited liability company from workers' compensation coverage shall not constitute a
14 determination by the New Hampshire department of labor that the individual was not an employee.

15 2 New Section; Commission to Study a Common Definition of Employee. Amend RSA 273 by
16 inserting after section 27 the following new section:

17 273:28 Commission to Study a Common Definition of Employee.

18 I. There is established a commission to study a common definition of employee and to make
19 recommendations to the legislature.

20 II. The members of the commission shall be as follows:

21 (a) One member of the senate, appointed by the president of the senate.

22 (b) One member of the house of representatives, appointed by the speaker of the house of
23 representatives.

24 (c) The commissioner of the insurance department, or designee.

25 (d) The commissioner of the department of labor, or designee.

26 (e) The commissioner of the department of employment security, or designee.

27 (f) The commissioner of the department of revenue administration, or designee.

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1 (g) A representative of the interests of labor, appointed by the speaker of the house of
2 representatives.

3 (h) A representative of the Associated General Contractors, appointed by the president
4 of that organization.

5 (i) A representative of the Business and Industry Association of New Hampshire,
6 appointed by the president of that organization.

7 (j) A representative of the New Hampshire Association of Insurance Agents, appointed
8 by the chairman of the board of that association.

9 III. Legislative members of the commission shall receive mileage at the legislative rate when
10 attending to the duties of the commission.

11 IV. The commission shall study the common definitions of employee that other states have
12 adopted and make recommendations for a common definition to the legislature.

13 V. Chairperson; Quorum. The members of the study commission shall elect a chairperson
14 from among the members. The first meeting of the commission shall be called by the first-named
15 senate member. The first meeting of the commission shall be held within 45 days of the effective
16 date of this section. Six members of the commission shall constitute a quorum.

17 VI. The commission shall report its findings and any recommendations for proposed
18 legislation to the president of the senate, the speaker of the house of representatives, the senate
19 clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

20 3 Repeal. RSA 273:28 relative to commission to study a common definition of employee is
21 repealed.

22 4 Effective Date.

23 I. Section 3 of this act shall take effect November 1, 2014.

24 II. The remainder of this act shall take effect upon its passage.