

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 10, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-171 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 16 insert:

2 "(XI) THE MARKETPLACE CONTRACTOR OR ITS EMPLOYEES WHO
3 HAVE BEEN PREVIOUSLY CLEARED THROUGH THE MARKETPLACE
4 PLATFORM'S APPLICATION AND VENDOR APPROVAL PROCESS PERFORM THE
5 SERVICE REQUESTS RECEIVED THROUGH A MARKETPLACE PLATFORM, AND
6 THE CONTRACTOR DOES NOT SUBCONTRACT THE SERVICE REQUESTS TO
7 ANOTHER SUBCONTRACTOR;"

8 Renumber succeeding subparagraphs accordingly.

9 Page 4, line 18, strike "(10)(b), THE" and substitute "(10)(b):
10 (A) THE".

11 Page 4, line 23, strike "REGULATION." and substitute "REGULATION; AND
12 (B) THE PROVISION OF BENEFITS, OTHER THAN WORKERS'
13 COMPENSATION BENEFITS UNDER ARTICLES 40 TO 47 OF THIS TITLE 8, BY
14 A MARKETPLACE PLATFORM TO A MARKETPLACE CONTRACTOR MUST NOT
15 BE CONSIDERED IN A DETERMINATION OF THE MARKETPLACE
16 CONTRACTOR'S EMPLOYMENT STATUS."

17 Page 4, line 27, strike "CONTRACTOR" and substitute "CONTRACTOR."

18 Page 5, strike line 1.

1 Page 5, after line 15 insert:

2 "(C) "MARKETPLACE CONTRACTOR" DOES NOT INCLUDE A PERSON
3 WHO: RECEIVES REFERRALS TO PERFORM SERVICES THROUGH A HIRING
4 HALL RELATED TO A LABOR UNION ORGANIZATION; IS PERFORMING
5 SERVICES FOR A PUBLIC WORKS PROJECT FUNDED IN WHOLE OR IN PART BY
6 THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; IS PERFORMING
7 SERVICES THAT CONSIST OF ERECTION, CONSTRUCTION, ALTERATION,
8 STRUCTURAL REPAIR, OR STRUCTURAL IMPROVEMENT OF A BUILDING,
9 STRUCTURE, OR OTHER IMPROVEMENT ON LAND ON COMMERCIAL OR
10 INDUSTRIAL PROJECTS; IS PERFORMING SERVICES FOR THE INSTALLATION
11 OF HVAC SYSTEMS AND HOT WATER HEATERS IN SINGLE-FAMILY OR
12 MULTI-FAMILY RESIDENTIAL STRUCTURES; OR IS PROVIDING SERVICES AS
13 A LICENSED, CERTIFIED, OR REGISTERED PROFESSIONAL REGULATED BY
14 THE DEPARTMENT OF REGULATORY AGENCIES UNDER TITLE 12."

15 Page 5, strike lines 24 through 27.

16 Page 6, strike lines 1 through 11.

17 Renumber succeeding sections accordingly.

18 Page 7, after line 24 insert:

19 "(i) THE MARKETPLACE CONTRACTOR OR ITS EMPLOYEES WHO
20 HAVE BEEN PREVIOUSLY CLEARED THROUGH THE MARKETPLACE
21 PLATFORM'S APPLICATION AND VENDOR APPROVAL PROCESS PERFORM THE
22 SERVICE REQUESTS RECEIVED THROUGH A MARKETPLACE PLATFORM, AND
23 THE CONTRACTOR DOES NOT SUBCONTRACT THE SERVICE REQUESTS TO
24 ANOTHER SUBCONTRACTOR;"

25 Renumber succeeding paragraphs accordingly.

26 Page 8, after line 23 insert:

27 "(III) "MARKETPLACE CONTRACTOR" DOES NOT INCLUDE A PERSON
28 WHO:
29 (A) RECEIVES REFERRALS TO PERFORM SERVICES THROUGH A
30 HIRING HALL RELATED TO A LABOR UNION ORGANIZATION;
31 (B) IS PERFORMING SERVICES FOR A PUBLIC WORKS PROJECT
32 FUNDED IN WHOLE OR IN PART BY THE STATE OR A POLITICAL SUBDIVISION

1 OF THE STATE;
2 (C) IS PERFORMING SERVICES THAT CONSIST OF ERECTION,
3 CONSTRUCTION, ALTERATION, STRUCTURAL REPAIR, OR STRUCTURAL
4 IMPROVEMENT OF A BUILDING, STRUCTURE, OR OTHER IMPROVEMENT ON
5 LAND ON COMMERCIAL OR INDUSTRIAL PROJECTS;
6 (D) IS PERFORMING SERVICES FOR THE INSTALLATION OF HVAC
7 SYSTEMS AND HOT WATER HEATERS IN SINGLE-FAMILY OR MULTI-FAMILY
8 RESIDENTIAL STRUCTURES; OR
9 (E) IS PROVIDING SERVICES AS A LICENSED, CERTIFIED, OR
10 REGISTERED PROFESSIONAL REGULATED BY THE DEPARTMENT OF
11 REGULATORY AGENCIES UNDER TITLE 12."

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