

SB086_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB21-086 be amended as follows:

1 Amend proposed amendment (SB086_L.001), page 2, after line 42 insert:

2 "(c) (I) BEFORE THE STATE OR A LOCAL LICENSING AUTHORITY
3 ISSUES A PERMIT TO A THIRD-PARTY DELIVERY SERVICE PURSUANT TO THIS
4 SUBSECTION (3), THE THIRD-PARTY DELIVERY SERVICE SHALL SUBMIT A
5 STAFFING PLAN TO THE DIVISION OF LABOR STANDARDS AND STATISTICS
6 IN THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO RULES
7 PROMULGATED BY THE DIRECTOR OF THE DIVISION. IN THE STAFFING PLAN,
8 THE THIRD-PARTY DELIVERY SERVICE SHALL ESTIMATE THE NUMBER OF
9 EMPLOYEES OR INDEPENDENT CONTRACTORS WHO WILL PERFORM
10 DELIVERIES PURSUANT TO A PERMIT ISSUED UNDER THIS SUBSECTION (3)
11 AND SHALL DEMONSTRATE THAT THE EMPLOYEES OR INDEPENDENT
12 CONTRACTORS ARE PROPERLY CLASSIFIED AS SUCH UNDER ARTICLE 4 OF
13 TITLE 8. IF THE DIRECTOR DETERMINES THAT THE STAFFING PLAN DOES
14 NOT REASONABLY ESTIMATE THE NUMBER OF EMPLOYEES OR
15 INDEPENDENT CONTRACTORS LIKELY TO BE PERFORMING DELIVERIES
16 UNDER THE PERMIT OR THAT THE THIRD-PARTY DELIVERY SERVICE HAS
17 FAILED TO ESTABLISH THAT THE EMPLOYEES OR INDEPENDENT
18 CONTRACTORS WERE PROPERLY CLASSIFIED, THE STATE LICENSING
19 AUTHORITY SHALL DENY THE PERMIT.

20 (II) ONE-HUNDRED EIGHTY DAYS AFTER RECEIVING A PERMIT
21 PURSUANT TO THIS SUBSECTION (3), THE THIRD-PARTY DELIVERY SERVICE
22 SHALL SUBMIT TO THE DIVISION OF LABOR STANDARDS AND STATISTICS AN
23 UPDATED STAFFING PLAN THAT IDENTIFIES THE EMPLOYEES OR
24 INDEPENDENT CONTRACTORS WHO MADE DELIVERIES UNDER THE PERMIT
25 AND ESTABLISHES THAT THOSE EMPLOYEES OR INDEPENDENT
26 CONTRACTORS WERE PROPERLY CLASSIFIED.

27 (III) A DETERMINATION BY THE DIVISION TO ALLOW A
28 THIRD-PARTY DELIVERY SERVICE TO SEEK A PERMIT PURSUANT TO THIS
29 SUBSECTION (3) DOES NOT CONSTITUTE A FINDING THAT EMPLOYEES OR
30 INDEPENDENT CONTRACTORS PERFORMING WORK FOR THE THIRD-PARTY
31 DELIVERY SERVICE ARE PROPERLY CLASSIFIED AND IS NOT ADMISSIBLE IN
32 JUDICIAL OR ADMINISTRATIVE PROCEEDINGS REGARDING THE
33 CLASSIFICATION OF EMPLOYEES OR INDEPENDENT CONTRACTORS
34 PERFORMING WORK FOR THE THIRD-PARTY DELIVERY SERVICE."

35 Reletter succeeding paragraph accordingly.

** ** ** ** **