

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 482

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H482-ARN-60 [v.4]

Page 1 of 2

Amends Title [NO]
Third Edition

Date _____, 2015

Representative Hager

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moves to amend the bill on page 3, lines 19-41, by rewriting those lines to read:

"§ 143-764. Determination of independent contractor status.

(a) The following factors shall be considered in determining whether an individual is an independent contractor for purposes of this Article:

- (1) Whether the individual is engaged in an independent business, calling, or occupation.
- (2) Whether the individual is to have the independent use of his or her special skill, knowledge, or training in the execution of the work.
- (3) Whether the individual is doing a specified piece of work at a fixed price or for a lump sum or upon a quantitative basis.
- (4) Whether the individual is not subject to discharge because he or she adopts one method of doing the work rather than another.
- (5) Whether the individual is not in the regular employ of the other contracting party.
- (6) Whether the individual is free to use such assistants as he or she may think proper.
- (7) Whether the individual has full control over such assistants.
- (8) Whether the individual selects his or her own time, subject to customer requirements.
- (9) Whether the individual has a substantial investment in any equipment or tools required to perform the contracted work.
- (10) Whether the individual has the opportunity for profit or loss.

(b) The presence of one or more of the foregoing factors is not controlling, nor is the presence of all of the foregoing factors required in determining whether an individual is an



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- 1 independent contractor. Acts taken to comply with laws or regulations shall not be considered
- 2 as evidence contrary to an independent contractor determination.
- 3 (c) The provisions of this section are intended to codify the holding in *Hayes v. Board*
- 4 *of Trustees of Elon College*, 224 N.C. 11 (1944) and its progeny."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**