

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 1083  
PROPOSED COMMITTEE SUBSTITUTE H1083-PCS40724-DFfa-3

Short Title: Voluntary Portable Benefits Plan Act.

(Public)

Sponsors:

Referred to:

April 30, 2026

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE VOLUNTARY PORTABLE BENEFITS PLAN ACT AND TO  
3 APPROPRIATE FUNDS FOR THAT PURPOSE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 66 of the General Statutes is amended by adding a new Article  
6 to read:

7 "Article 52.

8 "Voluntary Portable Benefits Plan Act.

9 "**§ 66-515. Title; definitions.**

10 (a) This Article shall be known and may be cited as the "Voluntary Portable Benefits  
11 Plan Act."

12 (b) The following definitions apply in this Article:

13 (1) Bank. – A state bank, national bank, out-of-state state-chartered bank, and any  
14 foreign bank organized under the laws of a territory of the United States, the  
15 Commonwealth of Puerto Rico, Guam, American Samoa, or the United States  
16 Virgin Islands, with deposits insured by the Federal Deposit Insurance  
17 Corporation.

18 (2) Hiring party. – Any person or entity, whether public or private, including an  
19 internet or application-based company, who hires or enters into a contract with  
20 an independent contractor.

21 (3) Portable benefit account. – An account owned by an independent contractor  
22 to fund the purchase of one or more benefit plans.

23 (4) Portable benefit account provider. – The administrator of a portable benefit  
24 account, including the following:

25 a. A bank.

26 b. An investment management firm.

27 c. A technology provider or program manager that offers services  
28 through a bank or investment management firm.

29 d. Any other person who demonstrates to the satisfaction of the  
30 Commissioner of Labor that the manner in which the person will  
31 administer the portable benefit account will be consistent with the  
32 portable benefit account requirements under this Article.

33 (5) Portable benefit plan. – A benefit plan that is:

34 a. Administered by a third-party benefit plan provider chosen by the  
35 independent contractor and assigned to a beneficiary rather than to a  
36 hiring party; and



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- b. Includes, but is not limited to, the following:
  - 1. Health insurance.
  - 2. Unemployment insurance.
  - 3. Income replacement insurance.
  - 4. Disability insurance.
  - 5. Life insurance.
  - 6. Retirement benefits.

**"§ 66-516. Administration of voluntary portable benefit plan.**

(a) A hiring party may voluntarily contribute funds to a portable benefit account for an independent contractor for work provided.

(b) Contributions by a hiring party to any portable benefit account shall not be treated as evidence that a worker is an employee of the hiring party under State unemployment insurance, worker's compensation, taxation, or labor laws.

(c) Contributions to a portable benefit account may be made using either of the following:

(1) The funds of the hiring party in addition to compensation.

(2) A percentage of funds withheld from the compensation owed to an independent contractor if the following conditions are met:

- a. The withholding of compensation is expressly agreed to in writing.
- b. The written agreement is clear, unambiguous, and prominently displayed either in a work contract or a separate invoice.
- c. The withholdings of compensation are voluntary and require the independent contractor to opt in.
- d. The independent contractor may choose to opt out of such withholdings of compensation at any time."

**SECTION 2.(a)** G.S. 105-153.5(b) is amended by adding a new subdivision to read:  
"(17) The amount received by an independent contractor from a hiring party in a portable benefit plan under G.S. 66-516 during the taxable year."

**SECTION 2.(b)** This section is effective for taxable years beginning on or after January 1, 2026.

**SECTION 3.** Effective July 1, 2026, there is appropriated from the General Fund to the Department of Labor the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds during the 2026-2027 fiscal year to educate the general public about the provisions of this act.

**SECTION 4.** Except as otherwise provided, this act becomes effective July 1, 2026.