STATE OF NEW YORK

7521

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. RAJKUMAR -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to classification of transportation network company drivers as employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is amended by adding a new article 25-D to read as follows:

ARTICLE 25-D

TRANSPORTATION NETWORK COMPANY DRIVERS

Section 863. Presumption of employment by a transportation network company.

§ 863. Presumption of employment by a transportation network company. Any person performing services as a driver at least forty hours or more per week, or one hundred sixty hours or more per month, for a transportation network company as defined in article forty-four-B of the vehicle and traffic law, shall be classified as an employee for purposes of this chapter unless the person is a separate business entity or all of the following criteria are met, in which case the person shall be an independent contractor:

(a) the individual is free from control and direction in performing the job, both under his or her contract and in fact;

(b) the service must be performed outside the usual course of business for which the service is performed; and

(c) the individual is customarily engaged in an independently established trade, occupation, profession, or business that is similar to the service at issue.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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