

§ 1410. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Construction contractor" means any person, sole proprietor, partnership, firm, corporation, limited liability company, association or other legal entity who by oneself or through others offers to undertake, or holds oneself out as being able to undertake, or does undertake a construction project.

2. "Construction project" means the providing of any labor or services, and the use of any materials or equipment in order to alter, build, excavate, add to, subtract from, improve, repair, maintain, renovate, move, wreck or demolish any bridge, building, highway, road, railroad, land, tunnel, sewer, drainage or other structure, project, development, or improvement, or the doing of any part thereof, including the erection of scaffolding or other structures or works in connection therewith.

3. "Freelance worker" means any natural person or organization composed of no more than one natural person, whether or not incorporated or employing a trade name, that is hired or retained as an independent contractor by a hiring party to provide services in exchange for an amount equal to or greater than eight hundred dollars, either by itself or when aggregated with all contracts for services between the same hiring party and freelance worker during the immediately preceding one hundred twenty days, but does not include:

(a) any person who, pursuant to the contract at issue, is a sales representative as defined in section one hundred ninety-one-a of the labor law;

(b) any person engaged in the practice of law pursuant to the contract at issue and who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia and who is not under any order of court suspending, enjoining, restraining, disbarring or otherwise restricting such person in the practices of law;

(c) any person who is a licensed medical professional; or

(d) any person who is a construction contractor.

4. "Hiring party" means any person who retains a freelance worker to provide any service, other than:

(a) the United States government;

(b) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary;

(c) a municipality, including any office, department, agency or other body of a municipality; or

(d) any foreign government.