COMMITTEE REPORT

May 15, 2014

**S. 1099**

Introduced by Senators Sheheen and Bryant

S. Printed 5/15/14--H.

Read the first time April 9, 2014.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1099) to amend Section 41‑27‑260 of the 1976 Code, relating to exemptions from the definition of employment for unemployment benefit purposes, to provide an exemption, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 41‑27‑260 of the 1976 Code, as last amended by Act 63 of 2011, is further amended by adding appropriately numbered items at the end to read:

“(19) An individual or entity who owns, or holds under a bona fide lease purchase or installment‑purchase agreement, a tractor trailer, tractor, or other vehicle and who, under a valid independent contractor contract provides services as a driver of the tractor trailer, tractor, or other vehicle to a motor carrier.

(20) An individual performing a service for an automobile dealer related to the transportation of individual vehicles to purchasers or sellers of vehicles, including, but not limited to, when:

(a) an automobile auction is the purchaser, seller, or both;

(b) the contract of service contemplates that the service is to be performed personally by the individual;

(c) the individual does not own the vehicle used in connection with the performance of the service;

(d) the service is in the nature of a single transaction with no guarantee of a continuing relationship with the automobile dealer for whom the service is performed; or

(e) any combination of subitems (a) through (d).”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 41‑27‑260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT BENEFIT PURPOSES, TO PROVIDE AN EXEMPTION FOR MOTOR CARRIERS THAT UTILIZE INDEPENDENT CONTRACTORS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 41‑27‑260 of the 1976 Code is amended by adding:

“(19) an individual or entity who owns, or holds under a bona fide lease purchase or installment‑purchase agreement, a tractor trailer, tractor, or other vehicle and who, under a valid independent contractor contract provides services as a driver of the tractor trailer, tractor, or other vehicle to a motor carrier.”

SECTION 2. This act takes effect upon approval by the Governor.

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