

SENATE FILE NO. SF0153

Unemployment compensation-direct sales.

Sponsored by: Senator(s) Landen, Cooper and Craft and
Representative(s) Freeman

A BILL

for

1 AN ACT relating to unemployment insurance; amending an
2 exclusion from coverage for newspaper carriers by removing
3 an age restriction; providing exclusion criteria; and
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 27-3-108(a)(iv) is amended to read:

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10 **27-3-108. Services excluded from scope of employment.**

11

12 (a) Employment under this act does not include
13 service performed:

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15 (iv) By an individual ~~under the age of eighteen~~

16 ~~(18)~~ as a direct seller or independent contractor in the

1 business of distributing or delivering newspapers or
2 shopping news ~~excluding the delivery or distribution at any~~
3 ~~point for further delivery or distribution;~~ including
4 directly related services such as soliciting customers and
5 collecting receipts, provided:

6
7 (A) All or substantially all of the
8 individual's pay for the service, whether or not paid in
9 cash, directly relates to sales or other output rather than
10 to the number of hours worked;

11
12 (B) The individual performs the service
13 under a written contract with the newspaper or shopping
14 news publisher which specifies that the individual will not
15 be treated as an employee with respect to the services for
16 federal tax purposes; and

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18 (C) The individual is paid through an
19 arrangement under which the newspapers or shopping news are
20 sold by the individual at a fixed price and compensation is
21 based on the retention of the excess of that price over the
22 amount at which the newspapers or shopping news are charged
23 to the individual by the publisher, whether or not the
24 individual is guaranteed a minimum amount of compensation

1 or is entitled to be credited with the unsold newspapers or
2 shopping news.

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4 **Section 2.** This act is effective July 1, 2013.

5

6 (END)