

HOUSE BILL No. 2020

AN ACT concerning transportation; relating to the employment status of a driver of a motor carrier; prohibiting the altering of employment status for requiring safety improvements on the vehicle; relating to the Kansas transportation network company services act; establishing conditions for when a driver is an independent contractor for a transportation network company.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The deployment, implementation or use of a motor carrier safety improvement by, or as required by, a motor carrier or such motor carrier's related entity, including by contract, shall not, in whole or in part, affect, impact or change the worker status of a driver.

(b) For purposes of this section:

(1) "Motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate:

- (A) Compliance with traffic safety or motor carrier safety laws;
- (B) motor vehicle safety;
- (C) the safety of the operator of a motor vehicle; or
- (D) the safety of a third-party public roadway user.

(2) "Worker status" means the classification under any state law of a motor vehicle driver who engages in the transportation of property for compensation as an agent, employee, jointly employed employee, borrowed servant or independent contractor for a motor carrier.

(c) This section shall be deemed to be supplemental to existing laws relating to conditions of employment and related matters.

Sec. 2. (a) All transportation network company drivers shall be independent contractors and not employees of the transportation network company if all of the following conditions are met:

(1) The transportation network company does not prescribe specific hours that a transportation network company driver shall be logged into the transportation network company's digital network;

(2) the transportation network company imposes no restrictions on the transportation network company driver's ability to utilize digital networks from other transportation network companies;

(3) the transportation network company does not restrict a transportation network company driver from engaging in any other occupation or business; and

(4) the transportation network company and the transportation network company driver agree in writing that the driver is an independent contractor with respect to the transportation network company.

(b) The provisions of this section shall be limited to the relationship between transportation network companies and transportation network company drivers.

(c) This act shall be a part of and supplemental to the Kansas transportation network company services act.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

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HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*