

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3202

(SENATE AUTHORS: OUMOU VERBETEN)

DATE
04/01/2025

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Introduction and first reading
Referred to Jobs and Economic Development

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to employment; establishing a rebuttable presumption that an individual
1.3 is an employee; amending Minnesota Statutes 2024, sections 181.722, subdivision
1.4 3; 268.035, subdivision 25b.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2024, section 181.722, subdivision 3, is amended to read:

1.7 Subd. 3. **Determination of employment relationship.** For purposes of this section, ~~the~~
1.8 ~~nature of an employment relationship is determined using the same tests and in the same~~
1.9 ~~manner as employee status is determined under~~ there is a rebuttable presumption that an
1.10 individual is an employee that may be overturned through the applicable workers'
1.11 compensation and unemployment insurance program laws and rules.

1.12 Sec. 2. Minnesota Statutes 2024, section 268.035, subdivision 25b, is amended to read:

1.13 Subd. 25b. **Trucking and messenger/courier industries; independent contractors.** In
1.14 the trucking and messenger/courier industries, there is a rebuttable presumption that an
1.15 operator of a car, van, truck, tractor, or truck-tractor that is licensed and registered by a
1.16 governmental motor vehicle agency is an employee unless each of the following factors is
1.17 present, and if each factor is present, the operator is an independent contractor:

1.18 (1) the individual owns the equipment or holds it under a lease arrangement;

1.19 (2) the individual is responsible for the maintenance of the equipment;

1.20 (3) the individual is responsible for the operating costs, including fuel, repairs, supplies,
1.21 vehicle insurance, and personal expenses. The individual may be paid the carrier's fuel
1.22 surcharge and incidental costs, including, but not limited to, tolls, permits, and lumper fees;

2.1 (4) the individual is responsible for supplying the necessary personal services to operate
2.2 the equipment;

2.3 (5) the individual's compensation is based on factors related to the work performed, such
2.4 as a percentage of any schedule of rates, and not on the basis of the hours or time expended;

2.5 (6) the individual enters into a written contract that specifies the relationship to be that
2.6 of an independent contractor and not that of an employee; and

2.7 (7) the individual substantially controls the means and manner of performing the services,
2.8 in conformance with regulatory requirements and specifications of the shipper.