

Senate Bill No. 1583

Passed the Senate August 20, 2008

Secretary of the Senate

Passed the Assembly August 14, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 2753 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1583, Corbett. Employment: independent contractors.

Existing law creates a rebuttable presumption that certain workers performing services for which a license is required are employees rather than independent contractors.

This bill would provide that a person who, for money or other valuable consideration, knowingly advises an employer to treat an individual as an independent contractor to avoid employee status for the individual shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor. This bill would exempt from the provisions regarding joint and several liability a person who provides advice to his or her employer or an attorney who provides legal advice in the course of practicing law.

The people of the State of California do enact as follows:

SECTION 1. Section 2753 is added to the Labor Code, to read:

2753. (a) A person who, for money or other valuable consideration, knowingly advises an employer to treat an individual as an independent contractor to avoid employee status for that individual shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor.

(b) This section does not apply to the following persons:

- (1) A person who provides advice to his or her employer.
- (2) An attorney authorized to practice law in California or another United States jurisdiction who provides legal advice in the course of the practice of law.

Approved _____, 2008

Governor