

By: Turner of Tarrant

H.B. No. 4182

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the employment status of certain remote service
3 workers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle E, Title 2, Labor Code, is amended by
6 adding Chapter 94 to read as follows:

7 CHAPTER 94. REMOTE SERVICE CONTRACTORS

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 94.0001. SHORT TITLE. This chapter may be cited as the
10 Remote Service Marketplace Platforms Act.

11 Sec. 94.0002. DEFINITIONS. In this chapter:

12 (1) "Digital application" means an Internet-connected
13 software application that a person uses to obtain or provide a
14 remote service.

15 (2) "Marketplace company" means a person that:

16 (A) offers a digital application to the public;

17 and

18 (B) accepts requests for remote services
19 exclusively through the person's digital application.

20 (3) "Remote service" means a service designed to
21 assist persons who are deaf or hard of hearing that a person
22 performs remotely through a digital application. The term includes
23 tutoring, closed captioning, open captioning, subtitling,
24 transcribing, translating, interpreting, and conducting a language

1 assessment remotely through a digital application.

2 (4) "Remote service contractor" means a person who
3 uses a marketplace company's digital application to provide a
4 remote service to another person.

5 SUBCHAPTER B. EMPLOYMENT STATUS

6 Sec. 94.0101. CONDITIONS UNDER WHICH A REMOTE SERVICE
7 CONTRACTOR IS NOT AN EMPLOYEE. (a) A remote service contractor is
8 not an employee of a marketplace company if, under the agreement
9 between the remote service contractor and the marketplace company
10 and in fact:

11 (1) all or substantially all of the work the remote
12 service contractor performs under the agreement:

13 (A) is on a per-job or per-transaction basis; and

14 (B) is compensated on an hourly, per-job, or
15 per-transaction basis;

16 (2) the marketplace company does not:

17 (A) prescribe specific hours during which the
18 remote service contractor must be available to accept a request for
19 remote service;

20 (B) prescribe a specific location at which the
21 remote service contractor must be available to perform a remote
22 service; or

23 (C) restrict the remote service contractor from
24 engaging in another occupation or business; and

25 (3) except for the use of the marketplace company's
26 digital application, the remote service contractor is responsible
27 for providing the necessary tools, materials, and equipment to

1 perform a remote service requested by a person through the
2 marketplace company's digital application.

3 (b) A marketplace company's act of screening or training a
4 remote service contractor does not affect the remote service
5 contractor's employment status under this chapter.

6 SECTION 2. This Act takes effect September 1, 2021.