

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 892
Committee Substitute Favorable 4/30/03

Short Title: Workers Comp./Interstate Carrier Drivers.

(Public)

Sponsors:

Referred to:

April 7, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT THE COMMON LAW DETERMINES WHETHER A
3 DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN
4 INTERSTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE
5 WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS
6 UNDER THE ACT FOR SUCH DRIVERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 1 of Chapter 97 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 97-19.1. Truck, tractor, or truck tractor trailer driver's status as employee or**
11 **independent contractor.**

12 An individual in the interstate carrier industry who operates a truck, tractor, or truck
13 tractor licensed by a governmental motor vehicle regulatory agency may be an
14 employee or an independent contractor under this Article dependent upon the
15 application of the common law test for determining employment status.

16 Any principal contractor, intermediate contractor, or subcontractor, irrespective of
17 whether such contractor regularly employs three or more employees, who contracts with
18 an individual in the interstate carrier industry who operates a truck, tractor, or truck
19 tractor licensed by a governmental motor vehicle regulatory agency, who has not
20 secured the payment of compensation in the manner provided for employers set forth in
21 G.S. 97-93 for himself personally and for his employees and subcontractors, if any,
22 shall be liable as an employer under this Article for the payment of compensation and
23 other benefits on account of the injury or death of the independent contractor and his
24 employees or subcontractors due to an accident arising out of and in the course of the
25 performance of the work covered by such contract.

26 The principal contractor, intermediate contractor, or subcontractor may insure any
27 and all of his independent contractors and their employees or subcontractors in a blanket
28 policy and when insured the independent contractors, subcontractors, and employees
29 will be entitled to compensation benefits under the blanket policy.

1 A principal contractor, intermediate contractor, or subcontractor may include in the
2 governing contract with an independent contractor in the interstate carrier industry who
3 operates a truck, tractor, or truck tractor trailer licensed by a governmental motor
4 vehicle regulatory agency an agreement for the independent contractor to reimburse the
5 cost of covering that independent contractor under the principal contractors,
6 intermediate contractor's, or subcontractor's coverage of his business."

7 **SECTION 2.** This act is effective when it becomes law and applies to any
8 claim arising on or after October 1, 2003.