

Introduced by

Representatives Ostlie, Cory, Grueneich, Hagert, Louser, D. Ruby, Satrom

Senators Conley, Klein, Larsen, Meyer

1 A BILL for an Act to create and enact a new section to chapter 39-34 of the North Dakota  
2 Century Code, relating to classifying a transportation network company driver as an  
3 independent contractor.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 39-34 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Transportation network company driver - Independent contractor.**

8 1. As used in this section:

9 a. "Transportation network company" means a person that:

10 (1) Maintains a digital network to facilitate services by transportation network  
11 company drivers to a person seeking those services; and

12 (2) Accepts requests from the public only through the organization's digital  
13 network and not by telephone, facsimile, or in person at a retail location.

14 b. "Transportation network company driver" does not include a person transporting  
15 freight, sealed or closed envelopes, boxes, parcels, or other similar sealed or  
16 closed containers for compensation. The term means a person that:

17 (1) Enters a written agreement with a transportation network company to use  
18 the transportation network company's digital network to connect with an  
19 individual seeking services offered by the transportation network company  
20 driver;

21 (2) Performs services for a person through a transportation network company's  
22 digital network in exchange for compensation or payment; and

23 (3) Does not perform services at a physical business location operated by the  
24 transportation network company in the state.

- 1        2. A transportation network company driver is an independent contractor and not an  
2        employee of a transportation network company if the transportation network company:  
3        a. Enters an agreement with the transportation network company driver that the  
4        transportation network company driver is an independent contractor and not an  
5        employee of the transportation network company.  
6        b. Does not unilaterally prescribe specific hours during which the transportation  
7        network company driver must be available to accept service requests submitted  
8        through the transportation network company's digital network.  
9        c. Does not prohibit the transportation network company driver from engaging in  
10       outside employment or performing services through other transportation network  
11       companies except while the transportation network company driver is engaged in  
12       performing services through the transportation network company's digital  
13       network.  
14       d. May not terminate the contract of the transportation network company driver for a  
15       driver's refusal to accept a specific transportation service or delivery service  
16       request.  
17       e. Does not prohibit the transportation network company driver from using a vehicle  
18       with an internal combustion engine.