

## **Driver Employment Status; HB 2020**

**HB 2020** amends law pertaining to the employment classification of drivers for motor carriers and transportation network companies (TNCs).

### ***Motor Carrier Drivers***

The bill adds to employment-related law that a requirement for or use of a motor carrier safety improvement does not affect or change the worker status of a driver.

The bill defines two terms:

- “Motor carrier safety improvement” means any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and used primarily to improve or facilitate compliance with traffic or motor carrier safety laws or the safety of the vehicle, the vehicle operator, or a third-party public roadway user; and
- “Worker status” means the classification under state law of a motor vehicle driver who transports property for compensation as an agent, employee, jointly employed employee, borrowed servant, or independent contractor for a motor carrier.

### ***Transportation Network Company Drivers***

The bill also establishes conditions in the Kansas Transportation Network Company Services Act for when a driver for a TNC is an independent contractor.

The bill specifies that a driver for a TNC is an independent contractor and not an employee, provided that the TNC:

- Does not determine the hours when the driver must be logged in to its system;
- Does not restrict the driver’s ability to use the digital networks of other TNCs;
- Does not restrict the driver from engaging in any other occupation or business; and
- Agrees in writing with the driver that the driver is an independent contractor for the TNC.

The bill limits these provisions to the relationship between TNCs and TNC drivers.