

114TH CONGRESS
2D SESSION

H. R. 5918

To establish requirements for participants in the peer-to-peer economy to be considered independent contractors and not employees for purposes of several employment-related statutes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2016

Mr. SCHWEIKERT introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To establish requirements for participants in the peer-to-peer economy to be considered independent contractors and not employees for purposes of several employment-related statutes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STATUS OF INDIVIDUALS OPERATING IN THE**
4 **PEER-TO-PEER ECONOMY FOR PURPOSES OF**
5 **CERTAIN EMPLOYMENT LAWS.**

6 (a) STATUS OF INDIVIDUALS NOT CONSIDERED EM-
7 PLOYEES.—An individual operating in the peer-to-peer

1 economy shall not be considered an employee for purposes
2 of the Acts described in subsection (b) if such individual—

3 (1) is permitted to determine the hours during
4 which the covered individual offers services to users;

5 (2) is subject to a quality-of-service evaluation
6 of the service or services provided by such individual
7 through a user-based rating system;

8 (3) provides any user of such service with an
9 electronic description of the transaction and the
10 amount paid for the service; and

11 (4) uses the individual's own tools or assets to
12 provide such services.

13 (b) APPLICABLE EMPLOYMENT LAWS.—The laws re-
14 ferred to in subsection (a) include the following:

15 (1) The Fair Labor Standards Act of 1938 (29
16 U.S.C. 201 et seq.).

17 (2) The Family Medical Leave Act of 1993 (29
18 U.S.C. 2601 et seq.).

19 (3) The National Labor Relations Act (29
20 U.S.C. 151 et seq.).

21 (c) DEFINITIONS.—In this Act—

22 (1) the term “peer-to-peer economy” means the
23 business of facilitating transactions between a user
24 seeking a service and an individual providing that

1 service using an online platform or mobile applica-
2 tion;

3 (2) the term “mobile application” means a soft-
4 ware program that—

5 (A) runs on the operating system of a mo-
6 bile device; and

7 (B) collects data from a user; and

8 (3) the term “mobile device” means a mobile
9 telephone, tablet computer, or similar portable com-
10 puting device that transmits data over a wireless
11 connection.

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