

House Bill 967

By: Representative Teper of the 61<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to  
2 definition of employment for purposes of unemployment compensation, so as to exempt  
3 services performed by an individual who is employed by corporation which such individual  
4 wholly owns and which employs no other individuals; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to definition of  
9 employment, is amended by striking paragraphs (15) and (16) of subsection (n) and inserting  
10 in lieu thereof the following:

11 "(15) If the services performed during one-half or more of any pay period by an employee  
12 for the employing unit employing him or her constitute employment, all the services of  
13 such employee for such period shall be deemed to be employment; but, if the services  
14 performed during more than one-half of any such pay period by an employee for the  
15 employing unit employing him or her do not constitute employment, then none of the  
16 services of such employee for such period shall be deemed to be employment. As used in  
17 this Code section, the term "pay period" means a period of not more than 31 consecutive  
18 days for which payment of remuneration is ordinarily made to the employee by the  
19 employing unit employing him or her. This Code section shall not be applicable with  
20 respect to services performed in a pay period by an employee for the employing unit  
21 employing him or her where any of such service is excepted by paragraph (5) of this  
22 subsection; ~~or~~

23 (16) Services performed by an independent contract carrier for an employer who is a  
24 publisher or distributor of printed materials by an individual, firm, or corporation in  
25 transporting, assembling, delivering, or distributing printed materials and in maintaining  
26 any facilities or equipment incidental thereto, provided that:

1 (A) The independent contract carrier has with the employer a written contract as an  
2 independent contractor;

3 (B) Remuneration for the independent contract carrier is on the basis of the number of  
4 deliveries accomplished;

5 (C) With exception to providing the area or route which an independent contract carrier  
6 may or may not service, or providing materials or direction for the packaging or assembly  
7 of printed materials, the employer exercises no general control regarding the method of  
8 transporting, assembling, delivering, or distributing the printed materials; and

9 (D) The contract entered by the independent contract carrier for such services does not  
10 prohibit it from the transportation, delivery, assembly, or distribution of printed materials  
11 for more than one employer.

12 Provided, however, that the exclusion provided in this paragraph shall not apply to any  
13 such employment on behalf of an employing unit defined in subsection (h) or (i) of this  
14 Code section; or

15 (17) Services performed by an individual who is employed by corporation which such  
16 individual wholly owns and which employs no other individuals."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.