

House Bill 1464

By: Representatives Kendrick of the 95th, Werkheiser of the 157th, McClain of the 109th, Holly of the 116th, Campbell of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 34 of the Official Code of Georgia Annotated, relating to
2 Department of Labor, so as to establish a commission to review and validate the employment
3 status of 1099 tax returns filed by employers on behalf of employees; to provide for the
4 commission to provide available remedies to employees impacted by an invalid filing of such
5 tax returns; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 34 of the Official Code of Georgia Annotated, relating to Department of
9 Labor, is amended by adding a new Code section to read as follows:

10 "34-2-17.

11 (a) The Commissioner of Labor shall establish a commission, which shall be supported by
12 and work in collaboration with the Department of Labor, to conduct an annual review of
13 Internal Revenue Service Form 1099 tax returns filed by employers located in this state on
14 behalf of an employee of such employer. Each year the commission shall select at random
15 at least 50,000 Internal Revenue Service Form 1099 tax returns to review pursuant to this
16 Code section.

17 (b) The commission established in subsection (a) of this Code section shall validate any
18 Internal Revenue Service Form 1099 tax return pursuant to such subsection that accurately
19 reports an employee's employment status with his or her employer and that such employee
20 is eligible for such tax return.

21 (c) If the commission establishes that an employer filed an invalid Internal Revenue
22 Service Form 1099 tax return on behalf of an employee, the commission shall provide to
23 such employee all remedies available under federal law."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.