

CHAPTER 99

(House Bill 60)

AN ACT to repeal and re-enact, with amendments, Section 20(g) (6) of Article 95A of the Annotated Code of Maryland (1957 Edition), title "Unemployment Insurance Law", sub-title "Definitions", to provide for exemption of certain barbers and beauticians from coverage under the unemployment insurance LAWS and to fix the conditions for exclusion of CERTAIN barbers and beauticians.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, THAT SECTION 20(G)(6) OF ARTICLE 95A OF THE ANNOTATED CODE OF MARYLAND (1957 EDITION), TITLE 'UNEMPLOYMENT INSURANCE LAW,' SUB-TITLE 'DEFINITIONS,' BE AND IT IS HEREBY REPEALED AND RE-ENACTED, WITH AMENDMENTS, AND ALL TO READ AS FOLLOWS:

20 (g)

(6) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this article, irrespective of whether the common-law relationship of master and servant exists, unless and until it is shown to the satisfaction of the Executive Director that

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both his contract of service and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service in question [.] ; and

(D) *Barbers and beauticians, operating establishments and leasing chairs or booths to other properly licensed barbers and beauticians need not show compliance with sub-paragraphs (A), (B) and (C) hereof if it is shown to the satisfaction of the Executive Director that:*

~~(1)~~ (i) *A written lease has been entered into between the Operator and the lessee and is currently in force.*

~~(2)~~ (ii) *Lessee pays a stipulated amount for the use of the chair or booth but is required to make no further accounting or report of income to the operator.*

~~(3)~~ (iii) *Lessee has access to the premises at all hours and has the right to establish his own working hours and regulate his own prices.*

~~(4)~~ (iv) *The lease expressly states that the Lessee is aware THAT he must be responsible for payment of STATE AND Federal Income Taxes AND self-employed Social Security contributions, and understands he is not within covered employment as defined by this Article.*