

(5) the written agreement states expressly and prominently that the driver knows:

(i) of the responsibility to pay estimated social security taxes and State and federal income taxes;

(ii) that the social security tax the driver must pay is higher than the social security tax the driver would pay otherwise; and

(iii) that the work is not covered employment.

[(d)](E) Work is not covered employment when performed by a taxicab driver who uses a taxicab or taxicab equipment of a taxicab business that is carried on by the holder of a taxicab permit if the Secretary is satisfied that:

(1) the driver and permit holder have entered into a written agreement that is currently in effect for the use of the taxicab or taxicab equipment;

(2) the driver pays a stipulated amount for the use of the taxicab or taxicab equipment and is not required to make any further accounting to the permit holder;

(3) the driver has access to the taxicab or taxicab equipment at all hours and, subject to Article 78 of the Code may set personal work hours and places; and

(4) the agreement states expressly that the driver knows:

(i) of the responsibility to pay State and federal income taxes; and

(ii) that the work is not covered employment.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-206(c) of the Labor and Employment Article as enacted by this Act shall be construed retroactively and shall be applied to and interpreted to affect all determinations by the Secretary of Labor, Licensing, and Regulation of: (1) rates of contributions for employing units for all calendar years beginning on or after January 1, 1996; and (2) benefit charges for unemployment insurance claims for benefits based on work performed on or after January 1, 1996. Wages that are paid for work that an individual engaged in the trade or business of delivering or distributing newspapers or shopping news performed through September 30, 1997 which meet the requirements for a direct seller under the Labor and Employment Article may be used in determining monetary eligibility for unemployment insurance benefits.

~~SECTION 2.3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.

Approved April 29, 1997.