

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 20(g)(10).

In subsection (a) of this section, the defined term "wages" is substituted for the former term "remuneration", to conform to terminology used throughout this title.

In subsections (a) and (c) of this section, the term "employer" is substituted for the former phrase "person employing him" in light of the revised definition of "employer". See the revisor's note to § 8-101(m) of this title.

Defined terms: "Covered employment" § 8-101
 "Employer" § 8-101 "Wage" § 8-101

8-205. INDEPENDENT CONTRACTORS.

WORK THAT AN INDIVIDUAL PERFORMS UNDER ANY CONTRACT OF HIRE IS NOT COVERED EMPLOYMENT IF THE SECRETARY IS SATISFIED THAT:

(1) THE INDIVIDUAL WHO PERFORMS THE WORK IS FREE FROM CONTROL AND DIRECTION OVER ITS PERFORMANCE BOTH IN FACT AND UNDER THE CONTRACT;

(2) THE INDIVIDUAL CUSTOMARILY IS ENGAGED IN AN INDEPENDENT BUSINESS OR OCCUPATION OF THE SAME NATURE AS THAT INVOLVED IN THE WORK; AND

(3) THE WORK IS:

(I) OUTSIDE OF THE USUAL COURSE OF BUSINESS OF THE PERSON FOR WHOM THE WORK IS PERFORMED; OR

(II) PERFORMED OUTSIDE OF ANY PLACE OF BUSINESS OF THE PERSON FOR WHOM THE WORK IS PERFORMED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 20(g)(6)(i) through (iii), except for the references to wages and the common law relationship of master and servant in the introductory language.

In item (1) of this section, the word "and" is substituted for the former word "or" to clarify that an individual must be free from both "control" and "direction" to meet the requirements of that subsection.

In item (2) of this section, the words "profession" and "trade" are deleted as included in "business or occupation".

Defined terms: "Covered employment" § 8-101
 "Person" § 1-101