

9-218. OWNER OPERATOR OF CLASS F (TRACTOR) VEHICLE.

(A) NOT COVERED EMPLOYEE UNDER PERMANENT OR TRIP LEASING AGREEMENT.

AN INDIVIDUAL WHO IS THE OWNER OPERATOR OF A CLASS F (TRACTOR) VEHICLE, AS DESCRIBED IN § 13-923 OF THE TRANSPORTATION ARTICLE, IS NOT A COVERED EMPLOYEE IF:

(1) THE INDIVIDUAL AND MOTOR CARRIER MAKE A WRITTEN AGREEMENT FOR PERMANENT OR TRIP LEASING;

(2) UNDER THE AGREEMENT:

(I) THERE IS NO INTENT TO CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP; AND

(II) THE INDIVIDUAL IS PAID RENTAL COMPENSATION; AND

(3) FOR FEDERAL TAX PURPOSES, THE INDIVIDUAL QUALIFIES AS AN INDEPENDENT CONTRACTOR.

(B) PRINCIPAL CONTRACTOR; SUBCONTRACTOR.

(1) A MOTOR CARRIER WHO ENTERS INTO AN AGREEMENT UNDER SUBSECTION (A) OF THIS SECTION IS CONSIDERED A PRINCIPAL CONTRACTOR UNDER § 9-508 OF THIS TITLE.

(2) AN INDIVIDUAL WHO IS AN OWNER OPERATOR OF A CLASS F (TRACTOR) VEHICLE AND ENTERS INTO AN AGREEMENT UNDER SUBSECTION (A) OF THIS SECTION IS CONSIDERED A SUBCONTRACTOR UNDER § 9-508 OF THIS TITLE.

(C) PROOF OF INSURANCE.

AN INDIVIDUAL WHO IS AN OWNER OPERATOR OF A CLASS F (TRACTOR) VEHICLE AND ENTERS INTO A WRITTEN AGREEMENT UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE PROOF OF INSURANCE FOR ANY COVERED EMPLOYEE OF THE INDIVIDUAL AS MAY BE REQUIRED BY THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 21(c)(8).

In subsection (a) of this section, the word "individual" is substituted for the former word "person", since this title covers only a human being. As to the definition of "person", see § 1-101 of this article.

In the introductory language of subsection (a) of this section, the reference to a "Class F (tractor) vehicle" is substituted for the former reference to a "Class F tractor", to conform to TR § 13-923.