

D R A F T

SUMMARY

Establishes that Office of Administrative Hearings has sole jurisdiction over appeal of classification of worker as independent contractor. Requires agencies responsible for administration of rule governing classification of worker as independent contractor to adopt rules to direct appeals relating to classification of a worker as independent contractor from Department of Revenue to Office of Administrative Hearings.

A BILL FOR AN ACT

1
2 Relating to the misclassification of employees; amending ORS 305.410 and
3 670.605.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 305.410 is amended to read:

6 305.410. (1) Subject only to the provisions of ORS 305.445 relating to ju-
7 dicial review by the Supreme Court and to subsection (2) of this section, the
8 tax court shall be the sole, exclusive and final judicial authority for the
9 hearing and determination of all questions of law and fact arising under the
10 tax laws of this state. For the purposes of this section, and except to the
11 extent that they preclude the imposition of other taxes, the following are not
12 tax laws of this state:

13 (a) ORS chapter 577 relating to Oregon Beef Council contributions.

14 (b) ORS 576.051 to 576.455 relating to commodity commission assessments.

15 (c) ORS chapter 477 relating to fire protection assessments.

16 (d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 743B, 744, 746, 748
17 and 750 relating to insurance company fees and taxes.

18 (e) ORS chapter 473 relating to liquor taxes.

1 (f) ORS chapter 825 relating to motor carrier taxes.

2 (g) ORS chapter 319 relating to motor vehicle and aircraft fuel taxes and
3 the road usage charges imposed under ORS 319.885.

4 (h) ORS title 59 relating to motor vehicle and motor vehicle operators'
5 license fees and ORS title 39 relating to boat licenses.

6 (i) ORS chapter 578 relating to Oregon Wheat Commission assessments.

7 (j) ORS chapter 462 relating to racing taxes.

8 (k) ORS chapter 657 relating to unemployment insurance taxes.

9 (L) ORS chapter 656 relating to workers' compensation contributions, as-
10 sessments or fees.

11 (m) ORS 311.420, 311.425, 311.455, 311.650, 311.655 and ORS chapter 312
12 relating to foreclosure of real and personal property tax liens.

13 (n) Sections 15 to 22, 24 and 29, chapter 736, Oregon Laws 2003, relating
14 to long term care facility assessments.

15 **(o) ORS 670.600 relating to the classification of a worker as an in-**
16 **dependent contractor.**

17 (2) The tax court and the circuit courts shall have concurrent jurisdiction
18 to try actions or suits to determine:

19 (a) The priority of property tax liens in relation to other liens.

20 (b) The validity of any deed, conveyance, transfer or assignment of real
21 or personal property under ORS 95.060 and 95.070 (1983 Replacement Part)
22 or 95.200 to 95.310 where the Department of Revenue has or claims a lien or
23 other interest in the property.

24 (3) Subject only to the provisions of ORS 305.445 relating to judicial re-
25 view by the Supreme Court, the tax court shall be the sole, exclusive and
26 final judicial authority for the hearing and determination of all questions
27 of law and fact concerning the authorized uses of the proceeds of bonded
28 indebtedness described in section 11 (11)(d), Article XI of the Oregon Con-
29 stitution.

30 (4) Except as permitted under section 2, amended Article VII, Oregon
31 Constitution, this section and ORS 305.445, no person shall contest, in any

1 action, suit or proceeding in the circuit court or any other court, any matter
2 within the jurisdiction of the tax court.

3 **SECTION 2.** ORS 670.605 is amended to read:

4 670.605. (1) In accordance with ORS chapter 183, those agencies responsi-
5 ble for the administration of ORS 671.510 to 671.760 and ORS chapters 316,
6 656, 657 and 701 jointly shall adopt rules to carry out the provisions of ORS
7 670.600.

8 (2) The agencies responsible for the administration of ORS 671.510 to
9 671.760 and ORS chapters 316, 656, 657 and 701 shall:

10 (a) Cooperate as necessary in their compliance and enforcement activities
11 to ensure among the agencies the consistent interpretation and application
12 of ORS 670.600.

13 (b) **Adopt rules to direct appeals relating to the classification of a**
14 **worker as an independent contractor under ORS 670.600 from the De-**
15 **partment of Revenue to the Office of Administrative Hearings.**

16 (3) **The Office of Administrative Hearings has sole jurisdiction to**
17 **hear appeals arising under ORS 670.600. The procedure must be that**
18 **for a contested case under ORS chapter 183.**

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