

House Bill 3169

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 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 670.605.

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

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

5 305.410. (1) Subject only to the provisions of ORS 305.445 relating to judicial review by the Su-
6 preme Court and to subsection (2) of this section, the tax court shall be the sole, exclusive and final
7 judicial authority for the hearing and determination of all questions of law and fact arising under
8 the tax laws of this state. For the purposes of this section, and except to the extent that they pre-
9 clude the imposition of other taxes, the following are not tax laws of this state:

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

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

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

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

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

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

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

19 (h) ORS title 59 relating to motor vehicle and motor vehicle operators' license fees and ORS title
20 39 relating to boat licenses.

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

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

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

24 (L) ORS chapter 656 relating to workers' compensation contributions, assessments or fees.

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

27 (n) Sections 15 to 22, 24 and 29, chapter 736, Oregon Laws 2003, relating to long term care fa-
28 cility assessments.

29 **(o) ORS 670.600 relating to the classification of a worker as an independent contractor.**

30 (2) The tax court and the circuit courts shall have concurrent jurisdiction to try actions or suits

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to determine:

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

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

6 (3) Subject only to the provisions of ORS 305.445 relating to judicial review by the Supreme
7 Court, the tax court shall be the sole, exclusive and final judicial authority for the hearing and de-
8 termination of all questions of law and fact concerning the authorized uses of the proceeds of bonded
9 indebtedness described in section 11 (11)(d), Article XI of the Oregon Constitution.

10 (4) Except as permitted under section 2, amended Article VII, Oregon Constitution, this section
11 and ORS 305.445, no person shall contest, in any action, suit or proceeding in the circuit court or
12 any other court, any matter within the jurisdiction of the tax court.

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

14 670.605. (1) In accordance with ORS chapter 183, those agencies responsible for the adminis-
15 tration of ORS 671.510 to 671.760 and ORS chapters 316, 656, 657 and 701 jointly shall adopt rules
16 to carry out the provisions of ORS 670.600.

17 (2) The agencies responsible for the administration of ORS 671.510 to 671.760 and ORS chapters
18 316, 656, 657 and 701 shall:

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

21 (b) **Adopt rules to direct appeals relating to the classification of a worker as an inde-**
22 **pendent contractor under ORS 670.600 from the Department of Revenue to the Office of Ad-**
23 **ministrative Hearings.**

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

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