

House Bill 3416

Sponsored by Representative BARKER; Representative BARRETO

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**.

For purposes of unemployment insurance law, modifies exclusion from definition of "employment" for individuals making sales of consumer goods or services in home or otherwise than in permanent retail establishment.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance law with respect to service performed by certain individuals
3 making sales otherwise than in a permanent retail establishment; creating new provisions; and
4 amending ORS 657.087.

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

6 **SECTION 1.** ORS 657.087 is amended to read:

7 657.087. (1) **As used in this chapter**, "employment" does not include service performed:

8 [(1)] (a) By individuals soliciting contracts for home improvements including roofing, siding and
9 alterations of private homes to the extent that the remuneration consists of commissions, or a share
10 of the profit realized on each contract; or

11 [(2)] (b) By individuals [*to the extent that*] **if** the compensation consists **substantially** of com-
12 missions, **bonuses**, overrides or a share of the profit [*realized on*] **related to** orders solicited [*or*]
13 **for consumer goods or services**, sales resulting from the [*in-person*] solicitation of orders for
14 **consumer goods or services**, [*and making*] **or** sales of consumer goods **or services made**, in the
15 home **or otherwise than in a permanent retail establishment**.

16 (2) **The provisions of this section do not apply to service performed for:**

17 (a) **A nonprofit employing unit;**

18 (b) **This state;**

19 (c) **A political subdivision of this state; or**

20 (d) **An Indian tribe.**

21 **SECTION 2.** The amendments to ORS 657.087 by section 1 of this 2019 Act apply to service
22 performed on or after the effective date of this 2019 Act.
23

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.