

# House Bill 4046

Sponsored by Representative SMITH G (Pre-session filed.)

## 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 providing service as direct sellers.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the definition of "employment" with respect to service performed by direct sellers for  
3 purposes of unemployment insurance law; creating new provisions; amending ORS 657.087; and  
4 declaring an emergency.

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. [*Employment* does not include service performed:]

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

11 [*(2) By individuals to the extent that the compensation consists of commissions, overrides or a*  
12 *share of the profit realized on orders solicited or sales resulting from the in-person solicitation of or-*  
13 *ders for and making sales of consumer goods in the home.]*

14 **(1) As used in this chapter, "employment" does not include service performed by an in-**  
15 **dividual as a direct seller as defined in ORS 316.209.**

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 2020 Act apply to service  
22 performed on or after the effective date of this 2020 Act.

23 **SECTION 3.** This 2020 Act being necessary for the immediate preservation of the public  
24 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect  
25 on its passage.

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**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.