

HOUSE BILL 558

By Eldridge

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6 and Title 56, Chapter 5, relative to
insurance premiums and rating.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-5-302(13), is amended by deleting the subdivision and substituting instead the following:

(13) "Supplementary rate information" includes any manual or plan of rates, classification, rating schedule, minimum premium, policy fee, rating rule, loss adjustment expense, including defense costs incurred for any reason under the policy, and any other similar information needed to determine the applicable rate in effect or to be in effect; and

SECTION 2. Tennessee Code Annotated, Section 56-5-306(b), is amended by deleting the period at the end of the first sentence and substituting instead the language ", including loss adjustment expenses."

SECTION 3. Tennessee Code Annotated, Section 50-6-102(11)(D), is amended by deleting the subdivision and substituting instead the following:

(D)

(i) In a work relationship, in order to determine whether an individual is an "employee," or whether an individual is a "subcontractor" or an "independent contractor," the following factors shall be considered:

- (a) The right to control the conduct of the work;
- (b) The right of termination;
- (c) The method of payment;

- (d) The freedom to select and hire helpers;
- (e) The furnishing of tools and equipment;
- (f) Self-scheduling of working hours; and
- (g) The freedom to offer services to other entities; and

(ii) A premium shall not be charged by an insurance company for any individual determined to be an independent contractor pursuant to this subdivision (11)(D);

SECTION 4. Tennessee Code Annotated, Section 50-6-902, is amended by adding the following subsection:

(e) A premium shall not be charged by an insurance company for any construction services provider exempt pursuant to this section and listed on the registry.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.