

SENATE JOINT RESOLUTION 1030

By Roberts

A RESOLUTION relative to independent contractors.

WHEREAS, a privately negotiated contract is the fundamental basis for doing business in the United States, and the U.S. Constitution and most state constitutions specifically prohibit impairment of contracts freely and openly entered into by the parties; and

WHEREAS, in 2019, Tennessee enacted legislation (Public Chapter 337) to enforce a common law test that protects the status of independent entrepreneurs and businesses that play a vital role in growing our economy and promoting economic mobility; and

WHEREAS, independent contractors provide critical services in transportation, medical services, construction, financial services, tourism, hospitality, caregiving, journalism, sales, and numerous other industries; and

WHEREAS, working mothers, fathers, and a range of professionals seek out and enjoy flexible working arrangements; and

WHEREAS, California and other states have enacted harmful ABC tests and requirements that eliminate independent entrepreneurship; and

WHEREAS, the federal government has previously undermined independent contractor status via regulations, and the U.S. Congress has advanced legislation mirroring California's destructive AB5 contractor law; and

WHEREAS, legislation which alters the pre-existing and prospective terms of private contracts serves only to limit a party's right to choose its business agreements and abridges the basic principle of freedom to contract; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES

CONCURRING, that Tennessee supports independent entrepreneurs and strongly opposes efforts to interfere with private business agreements, including independent contractors, through harmful ABC tests and state or federal policies that stifle workers' choice.