

FIRST REGULAR SESSION

SENATE BILL NO. 34

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0438S.01I

AN ACT

To repeal section 288.035, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 288.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 288.035, to read as follows:

288.035. Notwithstanding the provisions of section 288.034, RSMo, in the case of an individual who is the owner **as defined in subdivision (43) of section 301.010, RSMo**, and operator of a motor vehicle which is leased or contracted with driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the [motor carrier and railroad safety division of the department of economic development] **Missouri department of transportation** under the provisions of this chapter or by the [interstate commerce commission] **United States Department of Transportation, or any of its subagencies**, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire [common or contract vehicle] **motor** carrier is an organization described in section 501(c)(3) of the Internal Revenue Code or any governmental entity.

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.