

S 1549

NEW GIG Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Taxation

Introduced: Jul 13, 2017

Current Status: Read twice and referred to the Committee on Finance.

Latest Action: Read twice and referred to the Committee on Finance. (Jul 13, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/1549>

Sponsor

Name: Sen. Thune, John [R-SD]

Party: Republican • **State:** SD • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Jul 13, 2017

Subjects & Policy Tags

Policy Area:

Taxation

Related Bills

Bill	Relationship	Last Action
115 HR 4165	Identical bill	Oct 27, 2017: Referred to the House Committee on Ways and Means.
115 HR 3396	Related bill	Jul 25, 2017: Referred to the House Committee on Ways and Means.

New Economy Works to Guarantee Independence and Growth Act of 2017 or the NEW GIG Act of 2017

This bill amends the Internal Revenue Code to establish a test for determining if a service provider should be classified as an independent contractor rather than as an employee for tax purposes.

If the requirements of the test are met, the provider may not be treated as an employee, the recipient or any payor may not be treated as an employer, and compensation for the service may not be treated as paid or received with respect to employment.

The factors of the test include:

- the relationship between the parties (i.e., the provider incurs expenses; does not work exclusively for a single recipient; performs the service for a particular amount of time, to achieve a specific result, or to complete a specific task; or is a sales person compensated primarily on a commission basis);
- the place of business or ownership of the equipment (i.e., the provider has a principal place of business, does not work exclusively at the recipient's place of business, and provides tools or supplies); and
- the services are performed under a written contract that meets certain requirements (i.e., specifies that the provider is not an employee, the recipient will satisfy withholding and reporting requirements, and that the provider is responsible for taxes on the compensation).

The bill also: (1) sets forth withholding and reporting requirements for service recipients who meet the requirements of the test, and (2) allows service providers to petition the U.S. Tax Court for a determination of employment status.

Actions Timeline

- **Jul 13, 2017:** Introduced in Senate
- **Jul 13, 2017:** Read twice and referred to the Committee on Finance.

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