

Amendments to Senate Bill No. 108  
1st Reading Copy

Requested by Senator Joe Balyeat

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo  
January 19, 2005 (5:46pm)

1. Page 2, line 27.

**Following:** "documentation"

**Strike:** "of that fact to the department"

**Insert:** ", as provided in subsection (5)"

2. Page 2.

**Following:** line 27

**Insert:** "(5) To document that the applicant is engaged in an independently established business, trade, occupation, profession, or business, an applicant shall provide evidence to the department, in the form of a legible copy, of a combination of items equaling 15 points or more from the list in this subsection (5). The department may approve an item not on the list as documentation, and that item may have a value of no more than 1 point. The points are determined as follows:

(a) 7 points each for evidence of accounts for employees for workers' compensation, unemployment insurance, or business withholding tax payments. The department of revenue shall provide verification of this information to the department.

(b) 6 points each for:

(i) a memorandum of understanding or a contract that contains:

(A) the body of work to be performed;  
(B) a description of payment, either complete or on the basis of the percentage of work completed;

(C) the ending date of the contract;

(D) liability for failure to complete the work;

(E) identification of the party or parties that provide materials and supplies; and

(F) the signatures of both parties to the memorandum of understanding or the contract;

(ii) a list of equipment or tools, with the approximate value;

(iii) a rental or lease agreement:

(A) for equipment or tools;

(B) indicating a business location;

(iv) a county document verifying payment of the business equipment tax;

- (v) a liability insurance policy;
- (vi) proof of bonding;
- (vii) a business property tax form;
- (viii) income tax supplemental schedules that indicate an independently established business;
- (ix) a trucking company lease agreement;
- (c) 3 points for each form 1099 filed with the internal revenue service, up to a maximum of 6 points;
- (d) 3 points for an advertisement of services in a newspaper, a telephone directory, on the internet, or in a professional list or a list of affiliations, up to a maximum of 6 points;
- (e) 3 points each for:
  - (i) a partnership agreement signed by all parties and providing information in the agreement of:
    - (A) the intent to form;
    - (B) the contribution by all parties;
    - (C) joint proprietary interest and the right of mutual control; and
    - (D) the share of each partner regarding profits and losses;
  - (ii) a business license or permit or for an application for a business license or permit;
  - (iii) a professional license;
  - (iv) a business structure licensed with the secretary or state;
  - (v) a name of business registered with the secretary of state;
  - (vi) an educational certification;
- (f) for two or more bids or estimates, 1.5 points for each bid or estimate, up to a maximum of 6 points;
- (g) 1.5 points for printed invoices, cards, brochures, or items of clothing indicating the business's name up to a maximum of 3 points;
- (h) 1.5 points each for:
  - (i) a federal employer identification number;
  - (ii) a business bank account;
  - (iii) a telephone bill in the name of the business;
  - (iv) a standard billing invoice;
- (i) 1.5 points for each type of advertising not specified in subsections (5)(d) and (5)(g), including:
  - (i) on a vehicle;
  - (ii) in a yard;
  - (iii) on a billboard;
  - (iv) on a bulletin board;
  - (v) on a corner lamp post; or
  - (vi) on a flyer.

**Renumber:** subsequent subsections

3. Page 3, line 9.  
**Following:** "subsection"  
**Strike:** "(7) (a) "  
**Insert:** "(8) (a) "

4. Page 4, line 8.  
**Strike:** "[section 1(9)]"  
**Insert:** "[section 1(10)]"

- END -

