

Rep. Labrie, Hills. 2
Rep. Farrington, Straf. 8
Rep. Granger, Straf. 2
Rep. Warden, Hills. 39
January 23, 2026
2026-0237h
05/09

Amendment to HB 1245-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Statement of Purpose. The purpose of this act is to allow independent contractors and hiring
4 parties to voluntarily participate in portable benefit plans, providing access to certain benefits
5 without altering the classification of such workers under state law.

6 2 New Chapter; Voluntary Portable Benefit Plans. Amend RSA by inserting after chapter 283
7 the following new chapter:

8

CHAPTER 283-A

9

VOLUNTARY PORTABLE BENEFIT PLANS

10 283-A:1 Definitions. In this chapter:

11 I. "Hiring party" means any individual or business that contracts for the performance of
12 services by an independent contractor.

13 II. "Independent contractor" means a person who qualifies as such under RSA 275:42, II, or
14 applicable common law tests, who is free from control or direction over the performance of services.

15 III. "Portable benefit account" means an account owned and controlled by an independent
16 contractor, who may allocate funds to pay for portable benefits such as health insurance, non-state
17 unemployment insurance, disability insurance, life insurance, or retirement benefits, or other
18 related expenses.

19 IV. "Provider" means a bank, financial institution, investment management firm, or other
20 legal entity.

21 283-A:2 Voluntary Contributions and Withholding.

22 I. A hiring party may voluntarily contribute funds to an independent contractor's portable
23 benefit account.

24 II. Contributions may be made using funds withheld from compensation owed to the
25 contractor, provided that:

26 (a) The withholding is expressed in a written agreement;

27 (b) The agreement is clear, unambiguous, and prominently displayed in the contract;

28 (c) The contractor affirmatively opts in to the withholding; and

29 (d) The contractor may opt out of such withholding at any time.

30 283-A:3 Preservation of Worker Classification.

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1 I. The following actions shall be excluded from consideration when determining a worker's
2 legal status as either an employee or an independent contractor under RSA 275, RSA 282-A, or any
3 other state labor, tax, or benefits statute:

4 (a) The offer of, or contribution to, a portable benefit account by a hiring party;

5 (b) An independent contractor's participation in or control over such a plan or account;

6 and

7 (c) The administrative act of withholding and remitting contractor funds as authorized
8 under 283-A:2, I.

9 II. A hiring party, worker, or third party may make voluntary contributions to a portable
10 benefit account on behalf of an independent contractor.

11 III. The provision of voluntary contributions by a hiring party shall not, in and of itself,
12 establish an employer-employee relationship, nor shall it be construed as evidence of the hiring
13 party's "control or direction" over the independent contractor.

14 3 Effective Date. This act shall take effect 60 days after passage.

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AMENDED ANALYSIS

This bill establishes a voluntary framework allowing independent contractors to participate in portable benefit plans through authorized providers.