

IC 6-3-7

Chapter 7. Miscellaneous

IC 6-3-7-1

Repealed

(Repealed by P.L.192-2002(ss), SEC.191.)

IC 6-3-7-2

Repealed

(Repealed by Acts 1980, P.L.61, SEC.15.)

IC 6-3-7-2.5

Repealed

(Repealed by P.L.192-2002(ss), SEC.191.)

IC 6-3-7-3

Collected revenue; distribution and use

Sec. 3. (a) All revenues derived from collection of the adjusted gross income tax imposed on corporations shall be deposited in the state general fund.

(b) All revenues derived from collection of the adjusted gross income tax imposed on persons shall be deposited in the state general fund.

(Formerly: Acts 1963(ss), c.32, s.704; Acts 1965, c.233, s.29; Acts 1969, c.425, s.1; Acts 1973, P.L.50, SEC.6.) As amended by Acts 1977(ss), P.L.4, SEC.18; P.L.390-1987(ss), SEC.39; P.L.192-2002(ss), SEC.83; P.L.146-2008, SEC.323.

IC 6-3-7-4

Repealed

(Repealed by Acts 1980, P.L.54, SEC.9.)

IC 6-3-7-5

Independent contractor; worker's compensation election for exemption; notification of tax treatment

Sec. 5. (a) As used in this section, "independent contractor" refers to a person described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5).

(b) As used in this section, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity.

(c) An independent contractor who does not make an election under:

- (1) IC 22-3-6-1(b)(4) or IC 22-3-6-1(b)(5) is not subject to the compensation provisions of IC 22-3-2 through IC 22-3-6; or
- (2) IC 22-3-7-9(b)(2) or IC 22-3-7-9(b)(3) is not subject to the compensation provisions of IC 22-3-7;

and must file a statement with the department with supporting documentation of independent contractor status and obtain a certificate of exemption under this section.

(d) An independent contractor shall file with the department, in

the form prescribed by the department, a statement providing the following information:

- (1) The independent contractor's name, trade name, address, and telephone number.
- (2) The independent contractor's federal identification number or Social Security number.
- (3) The name and:
 - (A) Social Security number;
 - (B) federal employer identification number (FEIN); or
 - (C) taxpayer identification number (TIN);of each person or entity with whom the independent contractor has contracted.

(e) Along with the statement required in subsection (d), an independent contractor shall file annually with the department documentation in support of independent contractor status before being granted a certificate of exemption. The independent contractor must obtain clearance from the department of state revenue before issuance of the certificate.

(f) An independent contractor shall pay a filing fee of five dollars (\$5) with the statement required in subsection (d). The fees collected under this subsection shall be deposited into a special account in the state general fund known as the independent contractor information account. Money in the independent contractor information account is annually appropriated to the department for its use in carrying out the purposes of this section.

(g) The department shall keep each statement and supporting documentation received under this section on file and on request may verify that a certificate of exemption is on file.

(h) The certificate of exemption required by this section must be on a form prescribed and provided by the department. A certificate issued under this section is valid for one (1) year. The department shall maintain the original certificate on file.

(i) A certificate of exemption must certify the following information:

- (1) That the independent contractor has worker's compensation coverage for the independent contractor's employees in accordance with IC 22-3-2 through IC 22-3-7.
- (2) That the independent contractor desires to be exempt from being able to recover under the worker's compensation policy or self-insurance of a person for whom the independent contractor will perform work only as an independent contractor.

(j) The department shall provide the certificate of exemption to the person requesting it not less than seven (7) business days after verifying the accuracy of the supporting documentation. To be given effect, a certificate of exemption must be filed with the worker's compensation board of Indiana in accordance with IC 22-3-2-14.5(f) and IC 22-3-7-34.5(g).

(k) Not more than thirty (30) days after the department receives an independent contractor's statement and supporting documentation and issues a certificate of exemption, the department shall provide

the independent contractor with an explanation of the department's tax treatment of independent contractors and the duty of the independent contractor to remit any taxes owed.

(l) The information received from an independent contractor's statement and supporting documentation is to be treated as confidential by the department and is to be used solely for the purposes of this section.

(m) A contractor who knowingly or intentionally causes or assists employees, including temporary employees, to file a false statement and supporting documentation of independent contractor status commits a Class D felony.

As added by P.L. 75-1993, SEC.1. Amended by P.L. 202-2001, SEC.1.