

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 60.2-212 of the Code of Virginia, relating to unemployment*
3 *compensation; employment.*

4 [H 1337]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 60.2-212 of the Code of Virginia is amended and reenacted as follows:**

8 § 60.2-212. Employment.

9 A. "Employment" means:

10 1. Any service including service in interstate commerce, performed for remuneration or under any
11 contract of hire, written or oral, express or implied; and12 2. Any service, of whatever nature, performed by an individual for any employing unit, for
13 remuneration or under any contract of hire, written or oral, and irrespective of citizenship or residence
14 of either,

15 a. Within the United States, or

16 b. On or in connection with an American vessel or American aircraft under a contract of service
17 which is entered into within the United States or during the performance of which and while the
18 individual is employed on the vessel or aircraft it touches at a port in the United States, if such
19 individual performs such services on or in connection with such vessel or aircraft when outside the
20 United States, provided that the operating office, from which the operations of the vessel or aircraft are
21 ordinarily and regularly supervised, managed, directed or controlled, is within the Commonwealth.22 B. Notwithstanding subdivision 2 b of subsection A of this section, "employment" means all service
23 performed by an officer or member of the crew of an American vessel on or in connection with such
24 vessel, if the operating office from which the operations of such vessel operating on navigable waters
25 within, or within and without, the United States are ordinarily and regularly supervised, managed,
26 directed and controlled is within this Commonwealth.27 C. Services performed by an individual for remuneration shall be deemed to be employment subject
28 to this title unless:29 1. Such individual has been and will continue to be free from control or direction over the
30 performance of such services, both under his contract of service and in fact; and31 2. Such service is either outside the usual course of the business for which such service is performed,
32 or such service is performed outside of all the places of business of the enterprise for which such
33 service is performed; or such individual, in the performance of such service, is engaged in an
34 independently established trade, occupation, profession or business.35 D. *Notwithstanding the provisions of subsection C, an individual who performs services as a real*
36 *estate salesperson, under direction of a real estate broker under Chapter 21 (§ 54.1-2100, et seq.) of*
37 *Title 54.1, or as a real estate appraiser under Chapter 20.1 (§ 54.1-2009, et seq.) of Title 54.1 pursuant*
38 *to an executed independent contractor agreement and for remuneration solely by way of commission or*
39 *fee, shall not be an employee for purposes of this chapter.*

ENROLLED

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