

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 40.1-2 of the Code of Virginia, relating to the status of a franchisee and*
3 *its employees as employees of the franchisor.*

4
5 Approved

[H 18]

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 40.1-2 of the Code of Virginia is amended and reenacted as follows:**
8 **§ 40.1-2. Definitions.**

9 As used in this title, unless the context clearly requires otherwise, the following terms have the
10 following meanings:

11 "Board" means the Safety and Health Codes Board.

12 "Business establishment" means any proprietorship, firm or corporation where people are employed,
13 permitted or suffered to work, including agricultural employment on a farm.

14 "Commission" means the Safety and Health Codes Board.

15 "Commissioner" means the Commissioner of Labor and Industry. Except where the context clearly
16 indicates the contrary, any reference to "Commissioner" shall include his authorized representatives.

17 "Department" means the Department of Labor and Industry.

18 "Employ" shall include to permit or suffer to work.

19 "Employee" means any person who, in consideration of wages, salaries, or commissions, may be
20 permitted, required, or directed by any employer to engage in any employment directly or indirectly.
21 *Notwithstanding any voluntary agreement entered into between the U.S. Department of Labor and a*
22 *franchisee, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the*
23 *franchisee's franchisor for any purpose to which this section applies.*

24 "Employer" means an individual, partnership, association, corporation, legal representative, receiver,
25 trustee, or trustee in bankruptcy doing business in or operating within this Commonwealth who employs
26 another to work for wages, salaries, or on commission and shall include any similar entity acting
27 directly or indirectly in the interest of an employer in relation to an employee.

28 "Female" or "woman" means a female 18 years of age or over.

29 "*Franchisee*" and "*franchisor*" have the same meaning ascribed to such terms in 16 C.F.R. § 436.1.

30 "Machinery" means machines, belts, pulleys, motors, engines, gears, vats, pits, elevators, conveyors,
31 shafts, *or* tunnels, including machinery being operated on farms in connection with the production or
32 harvesting of agricultural products.

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