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Anti-Independent Contractor Bill NJ S863: How the ABC Test Threatens Copyright Use that Dates Back to Our Nation's Founding Fathers

Fight for Freelancers New Jersey launches eighth #IRSnotABC video in series

TRENTON, N.J., MARCH 11, 2020 — Fight For Freelancers New Jersey, a nonpartisan, grassroots group of 1,100 independent contractors, creatives, and businesses, has launched the eighth video [in its series](#) urging New Jersey lawmakers to reject Senate Bill 863 (S863) and instead enact a modern labor law that uses the Internal Revenue Service's common law test.



S863, which defines employee status, would apply the regressive ABC Test, developed during the Great Depression, to today's workforce in a new way. Many thriving freelance writers would be forced to seek traditional jobs, throwing the copyright ownership of their work into disarray.

"As the former chairwoman of the Contracts Committee for the American Society of Journalists and Authors, I can tell you that freelance writers fight to keep copyright ownership—because it means being able to sell the article, book or movie script," says Kim Kavin, a co-founder of

Fight For Freelancers New Jersey. “Not only does being reclassified as a W2 worker shift copyright ownership of everything we create into corporate hands, but deeming us misclassified can upend the copyright ownership for everything we’ve written and sold in recent years.”

S863 — and, specifically, the ABC Test at its rotten core — would take a major toll on writers, 61% of whom are self-employed, according to federal data. S863 also would:

- Make it nearly impossible to be legally considered independent contractors
- Prevent entrepreneurs from launching businesses outside the focus of their day jobs
- Eliminate the freedom of publishers to hire freelance help during busy periods
- Force freelance writers to seek W2 jobs in an industry experiencing widespread layoffs

The Fight For Freelancers New Jersey video series calls on lawmakers to replace the ABC test with the IRS common law test, which accommodates the modern, creative workforce, including the 79% of independent contractors who told the U.S. Bureau of Labor Statistics they want to remain that way. A similar law, AB5, took effect in California on January 1, 2020, and has [left freelancers reeling](#). The American Society of Journalists and Authors sued the State of California, [calling the law unconstitutional](#) on First Amendment and other grounds.

“Copyright law dates to 1790 and the very first U.S. Congress,” Kavin says. “With S863, New Jersey lawmakers are threatening to stomp on hallowed ground that our Founding Fathers made sure to enshrine and protect, for the good of a free press and our entire nation’s democracy.”

Vote no on S863 and the outdated ABC test. Vote yes for the modern IRS test.

WATCH the new two-minute video at the Fight For Freelancers NJ website:

<https://fightforfreelancers.com/videos/>

#IRSnotABC #FightForFreelancers

www.fightforfreelancers.com

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