



FOR IMMEDIATE RELEASE:

**Anti-Independent Contractor Bill S863: How A-Prong of the ABC Test Destroys Musician Careers; Harms Orchestras, School Theaters, Live Concerts and More**

*Fight for Freelancers New Jersey launches fifth #IRSnotABC video in anti-S863 series*

**TRENTON, N.J., MARCH 2, 2020** — Fight For Freelancers New Jersey, a nonpartisan, grassroots group of 1,100 independent contractors, creatives, and businesses, has launched the fifth video [in its series](#) urging 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 would decimate the livelihoods of thousands of New Jerseyans who choose to work as independent contractors, including musicians who play for clubs, orchestras, weddings and more.

“California recently enacted a version of S863, and musicians there are reeling,” says Kim Kavin, a co-founder of Fight For Freelancers New Jersey. “Festival organizers, theater producers and school musical directors have had to scale back or cancel productions. The Music Artists Coalition, Recording Industry Association of America, American Association of Independent Music, Recording Academy, and Independent Music Professionals United are [all trying to undo the damage](#). New Jersey lawmakers can avoid that same damage here by voting no on S863.”

## **S863 A-Prong of ABC Test Wrecks Musician Careers**

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S863, which defines employee status, would change the way New Jersey uses the regressive ABC test. Developed in the 1930s, the test applies outdated criteria to today's tech-powered, mobile, and innovative workforce. According to the New Jersey Civil Justice Institute, S863 is even stricter than California's ABC test-based law, AB5, which has caused thousands of California's independent contractors to lose income since it went into effect January 1, 2020.

### **S863 — and, specifically, the ABC test at its center — would virtually wipe out the creative middle class by:**

- Making it nearly impossible to be legally considered independent contractors
- Putting creatives at risk of losing copyright ownership of their work
- Leaving New Jersey's independent contractors subject to blacklisting, as California contractors are experiencing now
- Forcing successful creatives to seek W2 work in sectors experiencing layoffs

The Fight For Freelancers NJ video series calls on lawmakers to replace the ABC test with the IRS "common law" test, which accommodates the whole modern, creative workforce, including the 79% of independent contractors who told the U.S. Bureau of Labor Statistics they want to continue being independent contractors.

"The changes proposed by S863 will be a career-killer to musicians and other creative professionals," says South Orange musician Bradley Madsen, a member of Fight For Freelancers New Jersey. "Already in California, we are seeing the disastrous effect as opera seasons are being curtailed due to AB5 and dance companies are slashing the numbers of dancers they are hiring, in order to afford the extra costs of compliance. California band leaders are raising rates to come into compliance, and finding themselves out of work as they are no longer affordable to their clients. Music and creative arts are dying in California, and under the ABC test in S863, they will die in New Jersey as well."

### **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](http://www.fightforfreelancers.com)

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