

Press Coverage | August 12, 2025

New Jersey Truckers Await – With Dread – Possible Changes in State’s Independent Contractor Law

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Richard Reibstein

Richard Reibstein, a partner in Troutman Pepper Locke’s Labor + Employment Practice Group, was quoted in the August 12, 2025 *FreightWaves* article, “[New Jersey Truckers Await – With Dread – Possible Changes in State’s Independent Contractor Law](#).”

The instance of a publicly-released comment—or at least a summary of them—comes from Richard Reibstein, an attorney with the firm of Troutman Pepper Locke. Reibstein specializes in independent contractor law. He shared the summary of his comments to the DOL, filed near the end of the comment period, on his [IC-focused blog](#).

The proposed changes, Reibstein said, “if finalized in their current form, would create a hostile and unworkable legal environment in this state for legitimate ICs and the companies that engage legitimate ICs, which would likely prompt freelancers and other New Jersey-based ICs to lose work opportunities and cause many businesses in New Jersey that use ICs to cease operating their businesses in the State, similar to what has occurred when California enacted Assembly Bill 5, which codified the ABC test in that state back in 2020.”

...

And the C prong requires an IC to be able to show that they are operating an independent business, based on tests such as whether they own their own tools and equipment and whether they can show a history of running that business based on number of customers and financial performance. (Reibstein, in his summary, said the proposed changes with the C prong in the DOL plan were minor enough that they were not likely to garner many comments).

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Reibstein, in his blog post, summarized the issues he saw with the New Jersey ABC proposal. Among the red flags he raised:

—The A prong as proposed would look at various parts of the relationship between employer and worker and see them as control, whereas in other areas they are seen as standard practices necessary to make the employer-IC relationship work. An example: a requirement for an IC to follow the law.

“Under the proposed regulation it appears that a hiring party cannot, without jeopardizing the IC classification, terminate the IC agreement” for an act as basic as stealing from the employer or a customer. According to

Reibstein, that is seen as “control.” And the A prong says an employee can not have control over a worker and consider him or her an IC.

—On the B prong, which is a two-part rule in New Jersey unlike AB5, a “place of business” is interpreted widely, according to Reibstein. It could include areas “outside of the employer’s physical plant, which greatly widens the question of whether a worker is a true IC.”

“This view of the second part of the B prong almost entirely eviscerates any chance for most ICs and companies using their services from establishing the workers’ IC status,” Reibstein wrote. It also is in opposition to the Carpet Remnant decision in New Jersey, which in other parts of the proposal is cited as a reason to make the overhaul in the state’s IC law.

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