

4.14 Independent Contractor—Definition

An independent contractor is a person who performs services for another person under an express or implied agreement and who is not subject to the other's control of, or right to control, the manner and means of performing the services.

One who engages an independent contractor is not liable to others for the acts or omissions of the independent contractor.

Comment

The second paragraph of this instruction does not apply to nondelegable duties. See *M.J. ex rel. Beebe v. United States*, 721 F.3d 1079, 1085 (9th Cir. 2013) (discussing nondelegable duties under Alaska law); *Cnty. for Creative Non-Violence v. Reid*, 490 U.S. 730, 751-52 (1989) (defining independent contractor).