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Motor Carriers Continue To Roll Over AB 5

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On Jan. 16, a federal district court judge issued a preliminary injunction against the enforcement of California's AB 5 against motor carriers in the state. AB 5 imposes the ABC Test, which is more stringent than the prior standard and prevents the classification of workers as independent contractors if they are working in the usual course of the hiring entity's business. This injunction extends the [temporary restraining order](#) issued on Dec. 31, 2019.

The preliminary injunction provides longer term protection to motor carriers as they litigate their case seeking a permanent injunction against the application of AB 5 to their industry. The district court injunction follows a Los Angeles Superior Court determination that the Federal Aviation Administration Authorization Act preempts AB 5 as it pertains to motor carriers.

The other cases challenging AB 5 – involving freelance news writers and photographers, and employers more generally – continue to move more slowly through the courts.