

HOUSE BILL REPORT

ESHB 1952

*As Passed House
March 20, 1991*

Title: An act relating to industrial insurance coverage for jockeys and apprentice jockeys.

Brief Description: Providing industrial insurance coverage for jockeys.

Sponsor(s): By House Committee on Commerce & Labor (originally sponsored by Representatives Rasmussen, R. King, Cole, Ferguson, Leonard, Holland, G. Fisher, Winsley, Heavey, May, Phillips, R. Fisher, Fuhrman, Lisk and Sheldon).

Brief History:

Reported by House Committee on:
Commerce & Labor, March 5, 1991, DPS;
Passed House, March 20, 1991, 91-7.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *That Substitute House Bill No. 1952 be substituted therefor, and the substitute bill do pass.*
Signed by 10 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; O'Brien; Prentice; Vance; and Wilson.

Minority Report: *Do not pass.* Signed by 1 member:
Representative R. King.

Staff: Chris Cordes (786-7117).

Background: Industrial insurance coverage is mandatory for all employees in the State, unless the employment is specifically exempt. These exemptions include the employment of jockeys while participating in or preparing horses for race meets.

Summary of Bill: Mandatory industrial insurance coverage is extended to all employment of jockeys and apprentice jockeys. Owners and trainers are given status as "special employers" for the purpose of covering jockeys and apprentice jockeys, and the exclusive remedy provisions of

the industrial insurance law apply to these special employers.

The industrial insurance premium is to be established by the Department of Labor and Industries and collected from the owners and the trainers. The premium assessment for owners is paid on a per license basis and the assessment for trainers is paid on a per start basis.

The average weekly wage of jockeys and apprentice jockeys is based on all earnings, including earnings from outside the State.

The section providing for industrial insurance in the horse racing employments is reorganized and obsolete material is deleted.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Jockeys are the only athletes exempt from industrial insurance in Washington. Nearly all other states with a major horse racing industry provide coverage for these athletes. Even in Washington, exercise riders are covered, but jockeys are not although they frequently do the same work as exercise riders. Jockeys cannot afford to buy insurance, but the risk of going without coverage is very great. Several attempts to work out a more equitable insurance arrangement with the owners and trainers have not been successful.

Testimony Against: The horse racing industry in Washington is worried about survival. But there is concern for the jockeys and continuing discussion about their insurance coverage is needed. However, the jockeys requested their current status as independent contractors for federal tax law purposes and, as independent contractors, should not be covered for industrial insurance. Furthermore, the cost of the program under industrial insurance may rise rapidly if a few severe injuries occur. There are better options available to address this issue.

Witnesses: (In favor): Representative Marilyn Rasmussen, prime sponsor; Michael Doctor, Chad Hoverson, and Bryson Cooper, Jockeys' Guild; and Doug Connell, Department of Labor and Industries. (Opposed): Carl Baze and Martin Durkan, Washington Horsemen's Benevolent and Protective Association.