

HOUSE BILL REPORT

HB 1454

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to the definition of acting in the course of employment.

Brief Description: Revising the definition of "acting in the course of employment."

Sponsors: Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 12, 1993, DPS.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Staff: Chris Cordes (786-7117).

Background: Workers are covered under the state industrial insurance law if they are injured while "acting in the course of employment." Workers are generally not considered to be acting in the course of employment while traveling to and from work. However, if the employer has a customary or contractual obligation to furnish transportation, then injuries occurring during the commute to and from work may be covered for industrial insurance.

If the worker participates in a commuter ride sharing program, the program does not come within the meaning of acting in the course of employment even though the employer participates in the ride sharing arrangement.

Summary of Substitute Bill: Under the industrial insurance law, the exception from the term "acting in the course of employment" is amended to add that the term does not include

time spent going to or coming from work on a public transport system using a pass provided by the employer.

Substitute Bill Compared to Original: The substitute bill deletes the provisions of the original bill that would have amended "acting in the course of employment" to exclude any program in which the employer provided transportation assistance to the worker going to or from the worker's regular jobsite. The substitute bill adds an exception from "acting in the course of employment" for time spent going to or coming from work on a public transport system using a pass provided by the employer.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) The commute trip reduction law requires employers to take actions that will reduce the number of commuting trips. Public policy should encourage employers to assist their workers in using public transport services. This bill will allow employers to assist their workers with bus passes without creating a workers' compensation obligation for the employer.

Testimony Against: (Original bill) The bill as drafted goes beyond the intent expressed by the bill's supporters. The bill's language might exempt workers from industrial insurance coverage under many circumstances that are now covered. The bill should be amended to clarify that it will only apply to bus passes and the use of public transportation systems.

Witnesses: (In favor) Melanie Stewart, Washington Self-Insurers Association; Candice Carlson, Municipality of Metropolitan Seattle (METRO); Debbie Horton, Alaska Airlines; and Bill Vogler, Association of Washington Counties. (Opposed) Dennis Martin, Washington State Trial Lawyers Association.