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HOUSE BILL 1457

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Lovick, Dunshee, Ericks, Williams, Conway, Wood, Moeller, Crouse, Green and Hunter

Read first time 01/19/2007. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to youth soccer referees; and amending RCW  
2 26.28.060 and 51.12.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 26.28.060 and 1994 c 62 s 1 are each amended to read  
5 as follows:

6            (1) Every person who shall employ, and every parent, guardian or  
7 other person having the care, custody or control of such child, who  
8 shall permit to be employed, by another, any child under the age of  
9 fourteen years at any labor whatever, in or in connection with any  
10 store, shop, factory, mine or any inside employment not connected with  
11 farm or house work, without the written permit thereto of a judge of a  
12 superior court of the county wherein such child may live, shall be  
13 guilty of a misdemeanor.

14            (2) Subsection (1) of this section does not apply to children  
15 employed as:

16            (a) Actors or performers in film, video, audio, or theatrical  
17 productions; or

18            (b) Youth soccer referees who have been certified by a national  
19 referee certification program.

1       **Sec. 2.** RCW 51.12.020 and 1999 c 68 s 1 are each amended to read  
2 as follows:

3       The following are the only employments which shall not be included  
4 within the mandatory coverage of this title:

5       (1) Any person employed as a domestic servant in a private home by  
6 an employer who has less than two employees regularly employed forty or  
7 more hours a week in such employment.

8       (2) Any person employed to do gardening, maintenance, or repair, in  
9 or about the private home of the employer. For the purposes of this  
10 subsection, "maintenance" means the work of keeping in proper  
11 condition, "repair" means to restore to sound condition after damage,  
12 and "private home" means a person's place of residence.

13       (3) A person whose employment is not in the course of the trade,  
14 business, or profession of his or her employer and is not in or about  
15 the private home of the employer.

16       (4) Any person performing services in return for aid or sustenance  
17 only, received from any religious or charitable organization.

18       (5) Sole proprietors or partners.

19       (6) Any child under eighteen years of age employed by his or her  
20 parent or parents in agricultural activities on the family farm.

21       (7) Jockeys while participating in or preparing horses for race  
22 meets licensed by the Washington horse racing commission pursuant to  
23 chapter 67.16 RCW.

24       (8)(a) Except as otherwise provided in (b) of this subsection, any  
25 bona fide officer of a corporation voluntarily elected or voluntarily  
26 appointed in accordance with the articles of incorporation or bylaws of  
27 the corporation, who at all times during the period involved is also a  
28 bona fide director, and who is also a shareholder of the corporation.  
29 Only such officers who exercise substantial control in the daily  
30 management of the corporation and whose primary responsibilities do not  
31 include the performance of manual labor are included within this  
32 subsection.

33       (b) Alternatively, a corporation that is not a "public company" as  
34 defined in RCW 23B.01.400(~~(+21)~~) may exempt eight or fewer bona fide  
35 officers, who are voluntarily elected or voluntarily appointed in  
36 accordance with the articles of incorporation or bylaws of the  
37 corporation and who exercise substantial control in the daily  
38 management of the corporation, from coverage under this title without

1 regard to the officers' performance of manual labor if the exempted  
2 officer is a shareholder of the corporation, or may exempt any number  
3 of officers if all the exempted officers are related by blood within  
4 the third degree or marriage. If a corporation that is not a "public  
5 company" elects to be covered under subsection (8)(a) of this section,  
6 the corporation's election must be made on a form prescribed by the  
7 department and under such reasonable rules as the department may adopt.

8 (c) Determinations respecting the status of persons performing  
9 services for a corporation shall be made, in part, by reference to  
10 Title 23B RCW and to compliance by the corporation with its own  
11 articles of incorporation and bylaws. For the purpose of determining  
12 coverage under this title, substance shall control over form, and  
13 mandatory coverage under this title shall extend to all workers of this  
14 state, regardless of honorary titles conferred upon those actually  
15 serving as workers.

16 (d) A corporation may elect to cover officers who are exempted by  
17 this subsection in the manner provided by RCW 51.12.110.

18 (9) Services rendered by a musician or entertainer under a contract  
19 with a purchaser of the services, for a specific engagement or  
20 engagements when such musician or entertainer performs no other duties  
21 for the purchaser and is not regularly and continuously employed by the  
22 purchaser. A purchaser does not include the leader of a group or  
23 recognized entity who employs other than on a casual basis musicians or  
24 entertainers.

25 (10) Services performed by a newspaper carrier selling or  
26 distributing newspapers on the street or from house to house.

27 (11) Services performed by an insurance agent, insurance broker, or  
28 insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and  
29 48.17.030, respectively.

30 (12) Services performed by a booth renter (~~as defined in RCW~~  
31 ~~18.16.020~~). However, a person exempted under this subsection may  
32 elect coverage under RCW 51.32.030.

33 (13) Members of a limited liability company, if either:

34 (a) Management of the company is vested in its members, and the  
35 members for whom exemption is sought would qualify for exemption under  
36 subsection (5) of this section were the company a sole proprietorship  
37 or partnership; or

1           (b) Management of the company is vested in one or more managers,  
2 and the members for whom the exemption is sought are managers who would  
3 qualify for exemption under subsection (8) of this section were the  
4 company a corporation.

5           (14) Services performed for a nonprofit youth soccer organization  
6 by a referee, excluding Washington interscholastic activities  
7 association sponsored events.

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