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HOUSE BILL 2318

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Seaquist and Appleton

Read first time 01/15/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to contractor liability for industrial insurance  
2 premiums for not-for-profit nonemergency medicaid transportation  
3 brokers; and amending RCW 51.12.070.

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

5 **Sec. 1.** RCW 51.12.070 and 2004 c 243 s 2 are each amended to read  
6 as follows:

7 The provisions of this title apply to all work done by contract;  
8 the person, firm, or corporation who lets a contract for such work is  
9 responsible primarily and directly for all premiums upon the work,  
10 except as provided in subsection (2) of this section. The contractor  
11 and any subcontractor are subject to the provisions of this title and  
12 the person, firm, or corporation letting the contract is entitled to  
13 collect from the contractor the full amount payable in premiums and the  
14 contractor in turn is entitled to collect from the subcontractor his or  
15 her proportionate amount of the payment.

16 (1) For the purposes of this section, a contractor registered under  
17 chapter 18.27 RCW or licensed under chapter 19.28 RCW is not  
18 responsible for any premiums upon the work of any subcontractor if:

1       ~~((1))~~ (a) The subcontractor is currently engaging in a business  
2 which is registered under chapter 18.27 RCW or licensed under chapter  
3 19.28 RCW;

4       ~~((2))~~ (b) The subcontractor has a principal place of business  
5 which would be eligible for a business deduction for internal revenue  
6 service tax purposes other than that furnished by the contractor for  
7 which the business has contracted to furnish services;

8       ~~((3))~~ (c) The subcontractor maintains a separate set of books or  
9 records that reflect all items of income and expenses of the business;

10       ~~((4))~~ (d) The subcontractor has contracted to perform:

11       ~~((a))~~ (i) The work of a contractor as defined in RCW 18.27.010;  
12 or

13       ~~((b))~~ (ii) The work of installing wires or equipment to convey  
14 electric current or installing apparatus to be operated by such current  
15 as it pertains to the electrical industry as described in chapter 19.28  
16 RCW; and

17       ~~((5))~~ (e) The subcontractor has an industrial insurance account  
18 in good standing with the department or is a self-insurer. For the  
19 purposes of this subsection (1)(e), a contractor may consider a  
20 subcontractor's account to be in good standing if, within a year prior  
21 to letting the contract or master service agreement, and at least once  
22 a year thereafter, the contractor has verified with the department that  
23 the account is in good standing and the contractor has not received  
24 written notice from the department that the subcontractor's account  
25 status has changed. Acceptable documentation of verification includes  
26 a department document which includes an issued date or a dated printout  
27 of information from the department's internet web site showing a  
28 subcontractor's good standing. The department shall develop an  
29 approach to provide contractors with verification of the date of  
30 inquiries validating that the subcontractor's account is in good  
31 standing.

32       It is unlawful for any county, city, or town to issue a  
33 construction building permit to any person who has not submitted to the  
34 department an estimate of payroll and paid premium thereon as provided  
35 by chapter 51.16 RCW of this title or proof of qualification as a self-  
36 insurer.

37       (2) Nonemergency transportation brokers, as defined in WAC  
38 182-546-5200 as it exists on the effective date of this section, that

1 operate as not-for-profit businesses are not liable for subcontractor  
2 premiums, provided that the provisions of subsection (1)(e) of this  
3 section are met at the time of contract.

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