
SENATE BILL 5814

State of Washington 63rd Legislature 2013 Regular Session

By Senators Chase, Hasegawa, Rolfes, and Kline

Read first time 02/18/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to for hire vehicles, limousines, and taxicabs;
2 amending RCW 51.12.183; and creating a new section.

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

4 **Sec. 1.** RCW 51.12.183 and 2011 c 190 s 2 are each amended to read
5 as follows:

6 (1) On or after January 1, 2012, any business that owns and
7 operates a for hire vehicle licensed under chapter 46.72 RCW, a
8 limousine under chapter 46.72A RCW, or a taxicab under chapter 81.72
9 RCW and the for hire operator or chauffeur of such vehicle is within
10 the mandatory coverage of this title.

11 (2) On or after January 1, 2012, any business that as owner or
12 agent leases a for hire vehicle licensed under chapter 46.72 RCW, a
13 limousine under chapter 46.72A RCW, or a taxicab under chapter 81.72
14 RCW to a for hire operator or a chauffeur and the for hire operator or
15 chauffeur of such vehicle is within the mandatory coverage of this
16 title.

17 (3) For the purposes of this section, a business that has
18 contracted for the services of a business that owned and operated, or
19 as owner or agent leased, a for hire vehicle licensed under chapter

1 46.72 RCW, a limousine under chapter 46.72A RCW, or a taxicab under
2 chapter 81.72 RCW is not within the mandatory coverage of this title,
3 and is not responsible primarily or indirectly for premiums upon the
4 work.

5 (4) Prior to January 1, 2012, any business that owned and operated,
6 or as owner or agent leased, a for hire vehicle licensed under chapter
7 46.72 RCW, a limousine under chapter 46.72A RCW, or a taxicab under
8 chapter 81.72 RCW, and the for hire operator or chauffeur of such
9 vehicle is presumed not to have been within the mandatory coverage of
10 this title. However, a claim is presumed to have been within the
11 mandatory coverage of this title and may be used to rebut the
12 presumption of this subsection (4) if the claim:

13 (a) Is for a medical or time loss payment by or on behalf of a for
14 hire operator or chauffeur;

15 (b) Is a result of work performed and injury suffered prior to
16 January 1, 2012, with or through any business that owned and operated,
17 or as owner or agent leased:

18 (i) A for hire vehicle licensed under chapter 46.72 RCW;

19 (ii) A limousine under chapter 46.72A RCW; or

20 (iii) A taxicab under chapter 81.72 RCW.

21 (5) Any business that owned and operated, or as owner or agent
22 leased, or contracted for the services of, a for hire vehicle licensed
23 under chapter 46.72 RCW, a limousine under chapter 46.72A RCW, or a
24 taxicab under chapter 81.72 RCW that paid premium, penalty, or interest
25 to the department in settlement of a claim for unpaid premiums by the
26 department prior to January 1, 2012, where no fault for such premium
27 claim was admitted, must have such payment refunded by the department
28 within ninety days after the effective date of this section.

29 (6) Any payment made pursuant to subsection (5) of this section
30 must be reduced by the amount of any expenditure made by the department
31 for or on behalf of any for hire operator or chauffeur contracted or
32 affiliated with the business, as a result of a medical or time loss
33 claim, and which originates in or is otherwise attributable to the
34 period for which the premium claim is assessed on the business by the
35 department.

36 (7) For the purposes of this section, the following definitions
37 apply unless the context clearly requires otherwise:

1 (a) "Chauffeur" has the same meaning as provided in RCW 46.04.115;
2 and
3 (b) "For hire operator" means a person who is operating a vehicle
4 for the purpose of carrying persons for compensation.

5 NEW SECTION. **Sec. 2.** This act applies both prospectively and
6 retroactively to all causes of action arising under this section.

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