
Business & Financial Services Committee

HB 1073

Brief Description: Concerning commercial transportation services freight deliverers.

Sponsors: Representatives Kirby and Vick.

Brief Summary of Bill

- Expands definitions related to commercial transportation services to include delivery of goods in any motor vehicle.

Hearing Date: 1/18/17

Staff: Robbi Kesler (786-7153).

Background:

Commercial Transportation Services.

Commercial transportation service providers are persons or entities that use a digital network or software application to connect passengers to drivers for the purpose of providing a prearranged ride. Excluded from this definition are taxicab companies, charter or excursion busses, aeroporters, special needs transportation providers, and limousines.

Commercial transportation service provider drivers are individuals who use a personal vehicle to transport passengers.

Commercial transportation services means all times the driver is logged into the transportation services provider's digital network or software application, or until the passenger leaves the personal vehicle, whichever is later.

Personal vehicles used to provide commercial transportation services must be covered by automobile insurance that specifically covers commercial transportation services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Industrial Insurance.

Generally, employers must provide workers' compensation (industrial insurance) coverage for their workers either through the state fund or by being self-insured. The Washington State Department of Labor and Industries manages the state fund.

Generally, workers are all persons employed by an employer, unless subject to an exemption found in statute. Even if a person is employed under an independent contract, that person may still be considered a worker if the essence of the work is personal labor.

Excluded from the definition of worker is a person engaged in activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

Also excluded from the definition of workers are persons who meet the requirements set forth in a six-part test to determine if the person:

- is free from control and direction over the performance of the service, both in contract and in fact;
- has been hired to complete a task outside the hiring entity's normal course of business;
- is engaged in an independently established trade,
- is responsible for filing with the internal revenue service;
- has established an account at the Washington State Department of Revenue; and
- is maintaining separate books and business records.

Additionally, there are specific types of employees exempted. This list includes commercial transportation services drivers.

Individuals who are exempt from coverage may apply for elective coverage through the state fund on their own behalf.

Summary of Bill:

Various definitions concerning commercial transportation services are amended to also include the transportation of freight.

With respect to the delivery of freight, the services are considered to be all times the driver is logged into the commercial services providers' digital network or software application or until the freight is delivered at the destination, whichever is later.

Any motor vehicle may be used to provide commercial transportation services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.