

---

HOUSE BILL 2705

---

State of Washington

65th Legislature

2018 Regular Session

By Representatives McBride, Vick, and Kirby

Read first time 01/12/18. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to employment laws regarding transportation  
2 contractors, including the definition of "truck"; amending RCW  
3 51.08.180; creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to clarify the  
6 circumstances under which the owner of a truck, who leases the same  
7 to a motor carrier licensed under chapter 81.80 RCW or to a motor  
8 carrier licensed under chapter 81.80 RCW who contracts to provide  
9 motor carrier services to a freight broker licensed under chapter  
10 81.80 RCW, are excluded from the scope of mandatory industrial  
11 insurance coverage.

12 **Sec. 2.** RCW 51.08.180 and 2008 c 102 s 3 are each amended to  
13 read as follows:

14 "Worker" means every person in this state who is engaged in the  
15 employment of an employer under this title, whether by way of manual  
16 labor or otherwise in the course of his or her employment; also every  
17 person in this state who is engaged in the employment of or who is  
18 working under an independent contract, the essence of which is his or  
19 her personal labor for an employer under this title, whether by way  
20 of manual labor or otherwise, in the course of his or her employment,

1 or as an exception to the definition of worker, a person is not a  
2 worker if he or she meets the tests set forth in (~~subsections (1)~~  
3 ~~through (6) of~~) RCW 51.08.195 (1) through (6) or the separate tests  
4 set forth in RCW 51.08.181 for work performed that requires  
5 registration under chapter 18.27 RCW or licensing under chapter 19.28  
6 RCW: PROVIDED, That a person is not a worker for the purpose of this  
7 title, with respect to his or her activities attendant to operating a  
8 truck, as "truck" is defined in RCW 46.04.653, which he or she  
9 owns(~~(r)~~) and (~~which is leased~~) leases to a (~~common or contract~~)  
10 motor carrier licensed under chapter 81.80 RCW. Notwithstanding the  
11 provisions of this section, a person exempted under this section may  
12 elect coverage under this title in the manner provided by RCW  
13 51.32.030.

14 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2019.

--- END ---