
SUBSTITUTE SENATE BILL 5565

State of Washington

65th Legislature

2017 Regular Session

By Senate Commerce, Labor & Sports (originally sponsored by Senator Warnick)

READ FIRST TIME 02/17/17.

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, or for which he or
11 she provides services as a licensed motor carrier to a freight broker
12 licensed under chapter 81.80 RCW. Notwithstanding the provisions of
13 this section, a person exempted under this section may elect coverage
14 under this title in the manner provided by RCW 51.32.030.

15 NEW SECTION. Sec. 3. This act takes effect January 1, 2018.

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