

ESB 5765 - H COMM AMD

By Committee on Labor & Workplace Standards

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.12
4 RCW to read as follows:

5 For purposes of section 2 of this act, the legislature finds that
6 there are a variety of business models within the freight
7 transportation industry. New freight business models continue to
8 evolve, with the potential to create confusion regarding which entity
9 is considered the employer of a driver for purposes of industrial
10 insurance. The legislature intends to clarify, in alignment with
11 current law and practice, the circumstances under which a freight
12 broker or forwarder who engages with a carrier for delivery of
13 freight may not be considered the employer of the drivers.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.12
15 RCW to read as follows:

16 (1) Solely for purposes of this title, a freight broker or
17 freight forwarder that enters into an agreement with a licensed
18 common or contract carrier for the transportation of freight on
19 behalf of such broker or forwarder may not be the employer of the
20 drivers engaged by such common or contract carrier to operate
21 commercial vehicles owned or operated by such common or contract
22 carrier unless the common or contract carrier is also the driver.

23 (2) Nothing in this section shall be construed as relieving the
24 owner or lessee of a commercial vehicle from treating the individual
25 operating the vehicle as a worker under this title unless such
26 individuals are not workers within the meaning of RCW 51.08.180 or
27 are otherwise excluded from coverage under RCW 51.08.195.

28 (3) If an individual is excluded from coverage under this title
29 pursuant to subsection (1) or (2) of this section, the individual may
30 elect coverage under this title in the manner provided by RCW
31 51.32.030."

1 Correct the title.

EFFECT: Adds an intent section to specify that the purpose of the act is to clarify an employer exemption under industrial insurance in alignment with current law and practice. Provides that for purposes of the specified employer exemption for industrial insurance, a freight broker or forwarder may not be considered the employer, rather than is not considered the employer, when engaging with a carrier for delivery of freight.

--- END ---