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**SENATE BILL 5765**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Kuderer, Warnick, King, Fortunato, Walsh, Keiser, and Hobbs

Read first time 01/31/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to creating a new exclusion from mandatory  
2 industrial insurance coverage for persons transporting freight; and  
3 adding a new section to chapter 51.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.12  
6 RCW to read as follows:

7 (1) Solely for purposes of this title, a freight broker or  
8 freight forwarder that enters into an agreement with a licensed  
9 common or contract carrier for the transportation of freight on  
10 behalf of such broker or forwarder is not the employer of the common  
11 or contract carrier with which it contracts or the drivers engaged by  
12 such common or contract carrier to operate commercial vehicles owned  
13 or operated by such common or contract carrier.

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

19 (3) If an individual is excluded from coverage under this title  
20 pursuant to subsection (1) or (2) of this section, the individual may

1 elect coverage under this title in the manner provided by RCW  
2 51.32.030.

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