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HOUSE BILL 1733

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives R. King, Prentice, Heavey and Cole.

Read first time February 7, 1991. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to industrial insurance premium liabilities of  
2 workers; and amending RCW 51.16.140, 51.16.210, and 51.48.050.

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

4            **Sec. 1.** RCW 51.16.140 and 1989 c 385 s 3 are each amended to read  
5 as follows:

6            ~~((1) Every employer who is not a self-insurer shall deduct from~~  
7 ~~the pay of each of his or her workers one-half of the amount he or she~~  
8 ~~is required to pay, for medical benefits within each risk~~  
9 ~~classification. Such amount shall be periodically determined by the~~  
10 ~~director and reported by him or her to all employers under this title:~~  
11 ~~PROVIDED, That the state governmental unit shall pay the entire amount~~  
12 ~~into the medical aid fund for volunteers, as defined in RCW 51.12.035,~~  
13 ~~and the state apprenticeship council shall pay the entire amount into~~  
14 ~~the medical aid fund for registered apprentices or trainees, for the~~

1 ~~purposes of RCW 51.12.130. The deduction under this section is not~~  
2 ~~authorized for premiums assessed under RCW 51.16.210.~~

3 (2)) It shall be unlawful for the employer, unless specifically  
4 authorized by this title, to deduct or obtain any part of the premium  
5 or other costs required to be paid by him or her ((paid)) from the  
6 wages or earnings of any of his or her workers, and the making of or  
7 attempt to make any such deduction shall be a gross misdemeanor.

8 **Sec. 2.** RCW 51.16.210 and 1989 c 385 s 1 are each amended to read  
9 as follows:

10 (1) The department shall assess premiums, under the provisions of  
11 this section, for certain horse racing employments licensed in  
12 accordance with chapter 67.16 RCW. This premium assessment shall be for  
13 the purpose of providing industrial insurance coverage for employees of  
14 trainers licensed under chapter 67.16 RCW, including but not limited to  
15 exercise riders, pony riders, and grooms, and including all on or off  
16 track employment. For the purposes of RCW 51.16.210, 67.16.300,  
17 ((51.16.140,)) 51.32.073, and 67.16.020 a hotwalker shall be considered  
18 a groom. The department may adopt rules under chapter 34.05 RCW to  
19 carry out the purposes of this section, including rules providing for  
20 alternative reporting periods and payment due dates for coverage under  
21 this section. The department rules shall ensure that no licensee  
22 licensed prior to May 13, 1989, shall pay more than the assessment  
23 fixed at the basic manual rate.

24 (2) The department shall compute industrial insurance premium rates  
25 on a per license basis, which premiums shall be assessed at the time of  
26 each issuance or renewal of the license for owners, trainers, and  
27 grooms in amounts established by department rule for coverage under  
28 this section. Premium assessments shall be determined in accordance  
29 with the requirements of this title, except that assessments shall not

1 be experience rated and shall be fixed at the basic manual rate.  
2 However, rates may vary according to differences in working conditions  
3 at major tracks and fair tracks.

4 (3) For the purposes of paying premiums and assessments under this  
5 section and making reports under this title, individuals licensed as  
6 trainers by the Washington horse racing commission shall be considered  
7 employers. The premium assessment for a groom's license shall be paid  
8 by the trainer responsible for signing the groom's license application  
9 and shall be payable at the time of license issuance or renewal.

10 (4) The fee to be assessed on owner licenses as required by this  
11 section shall not exceed one hundred fifty dollars. However, those  
12 owners having less than a full ownership in a horse or horses shall pay  
13 a percentage of the required license fee that is equal to the total  
14 percentage of the ownership that the owner has in the horse or horses.  
15 In no event shall an owner having an ownership percentage in more than  
16 one horse pay more than a one hundred fifty-dollar license fee. The  
17 assessment on each owner's license shall not imply that an owner is an  
18 employer, but shall be required as part of the privilege of holding an  
19 owner's license.

20 (5) Premium assessments under this section shall be collected by  
21 the Washington horse racing commission and deposited in the industrial  
22 insurance trust funds as provided under department rules.

23 **Sec. 3.** RCW 51.48.050 and 1980 c 14 s 13 are each amended to read  
24 as follows:

25 It shall be unlawful for any employer to directly or indirectly  
26 demand or collect from any of his or her workers any sum of money  
27 whatsoever for or on account of medical, surgical, hospital, or other  
28 treatment or transportation of injured workers, (~~other than as~~  
29 ~~specified in RCW 51.16.140,~~) and any employer who directly or

1 indirectly violates the foregoing provisions of this section shall be  
2 liable to the state for the benefit of the medical aid fund in ten  
3 times the amount so demanded or collected, and such employer and every  
4 officer, agent, or servant of such employer knowingly participating  
5 therein shall also be guilty of a misdemeanor.