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**SUBSTITUTE SENATE BILL 6289**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senators Baumgartner and Hobbs)

AN ACT Relating to employing certain independent contractors through the use of a digital platform; amending RCW 51.08.070; and adding a new section to chapter 51.08 RCW.

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

**Sec.**  RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ((~~subsections (1) through (6) of~~)) RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW. An entity administering a digital platform or application shall not be considered an employer for individuals performing services as defined in RCW 51.12.020 (1) and (2).

NEW SECTION. **Sec.**  A new section is added to chapter 51.08 RCW to read as follows:

"Digital platform" means a digital network or software application to connect service providers to requestors for the purpose of providing services that (1) provides lists of specified jobs available with employers other than itself, (2) is consistent with RCW 51.04.060 and clarifies the roles of service providers and requestors, and (3) charges a fee to the employer and/or worker for its services.

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