S-1665.1

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**SUBSTITUTE SENATE BILL 5565**

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**State of Washington 65th Legislature 2017 Regular Session**

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

AN ACT Relating to employment laws regarding transportation contractors, including the definition of "truck"; amending RCW 51.08.180; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature intends to clarify the circumstances under which the owner of a truck, who leases the same to a motor carrier licensed under chapter 81.80 RCW or to a motor carrier licensed under chapter 81.80 RCW who contracts to provide motor carrier services to a freight broker licensed under chapter 81.80 RCW, are excluded from the scope of mandatory industrial insurance coverage.

**Sec.**  RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

"Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she 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: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck, as "truck" is defined in RCW 46.04.653, which he or she owns((~~,~~)) and ((~~which is leased~~)) leases to a ((~~common or contract~~)) motor carrier licensed under chapter 81.80 RCW, or for which he or she provides services as a licensed motor carrier to a freight broker licensed under chapter 81.80 RCW. Notwithstanding the provisions of this section, a person exempted under this section may elect coverage under this title in the manner provided by RCW 51.32.030.

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

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