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HOUSE BILL 1133

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Carrell, Lantz, Lambert, Hurst, Casada, Morell, Kagi, Marine, Cox, Talcott, Tokuda, Fisher, Bush, Edwards, O'Brien, Darneille, Edmonds, Esser and Haigh

Read first time 01/18/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to limiting liability for donated labor on  
2 community projects; and amending RCW 51.12.050.

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

4 **Sec. 1.** RCW 51.12.050 and 1977 ex.s. c 350 s 18 are each amended  
5 to read as follows:

6 (1) Whenever the state, county, any municipal corporation, or other  
7 taxing district (~~shall~~) engages in any work, or lets a contract  
8 therefor, in which workers are employed for wages, this title shall be  
9 applicable thereto. The employer's payments into the accident fund  
10 shall be made from the treasury of the state, county, municipality, or  
11 other taxing district. If the work is being done by contract, the  
12 payroll of the contractor and the subcontractor shall be the basis of  
13 computation and, in the case of contract work consuming less than one  
14 year in performance, the required payment into the accident fund shall  
15 be based upon the total payroll. The contractor and any subcontractor  
16 shall be subject to the provisions of this title, and the state for its  
17 general fund, the county, municipal corporation, or other taxing  
18 district shall be entitled to collect from the contractor the full  
19 amount payable to the accident fund and the contractor, in turn, shall

1 be entitled to collect from the subcontractor his or her proportionate  
2 amount of the payment.

3 (2)(a) If a community improvement project to benefit the state,  
4 county, any municipal corporation, or other taxing district uses  
5 donated labor, materials, or equipment, a contractor or employer  
6 donating the materials or equipment shall not be considered the  
7 employer for purposes of this title of an individual donating labor if  
8 the individual:

9 (i) Donates labor as a result of his or her own free choice  
10 documented in writing; and

11 (ii) Receives no wages for performing labor for the project.

12 (b) This subsection applies regardless of whether the individual  
13 donating labor:

14 (i) Receives from the contractor or his or her employer information  
15 about the community improvement project and that donated labor is being  
16 solicited, or is encouraged by the contractor or employer to donate  
17 labor to the project;

18 (ii) Uses materials or equipment on the project that is donated by  
19 the contractor or his or her employer; or

20 (iii) Is granted maintenance or reimbursement for actual expenses  
21 necessarily incurred in performing labor for the project.

22 (c) Except as provided in RCW 51.12.035, the contractor or employer  
23 shall not be liable for premiums under this title with respect to the  
24 donated labor on the community improvement project and an individual  
25 providing the donated labor shall not be entitled to the benefits of  
26 this title.

27 (d) As used in this subsection, "community improvement project"  
28 includes but is not limited to repair, restoration, or preservation of  
29 historic property owned by a public entity.

30 (3) Whenever and so long as, by state law, city charter, or  
31 municipal ordinance, provision is made for employees or peace officers  
32 injured in the course of employment, such employees shall not be  
33 entitled to the benefits of this title and shall not be included in the  
34 payroll of the municipality under this title: PROVIDED, That whenever  
35 any state law, city charter, or municipal ordinance only provides for  
36 payment to the employee of the difference between his or her actual  
37 wages and that received under this title such employees shall be

1 entitled to the benefits of this title and may be included in the  
2 payroll of the municipality.

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