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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)

READ FIRST TIME 01/28/16.

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

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

5            **Sec. 1.** RCW 51.08.070 and 2008 c 102 s 2 are each amended to  
6 read as follows:

7            "Employer" means any person, body of persons, corporate or  
8 otherwise, and the legal representatives of a deceased employer, all  
9 while engaged in this state in any work covered by the provisions of  
10 this title, by way of trade or business, or who contracts with one or  
11 more workers, the essence of which is the personal labor of such  
12 worker or workers. Or as an exception to the definition of employer,  
13 persons or entities are not employers when they contract or agree to  
14 remunerate the services performed by an individual who meets the  
15 tests set forth in (~~subsections (1) through (6) of~~) RCW 51.08.195  
16 (1) through (6) or the separate tests set forth in RCW 51.08.181 for  
17 work performed that requires registration under chapter 18.27 RCW or  
18 licensing under chapter 19.28 RCW. An entity administering a digital  
19 platform or application shall not be considered an employer for  
20 individuals performing services as defined in RCW 51.12.020 (1) and  
21 (2).

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 51.08  
2    RCW to read as follows:

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

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