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**ENGROSSED SENATE BILL 5765**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Kuderer, Warnick, King, Fortunato, Walsh, Keiser, and Hobbs

AN ACT Relating to clarifying responsibilities for mandatory industrial insurance coverage for persons transporting freight; and adding a new section to chapter 51.12 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 51.12 RCW to read as follows:

(1) Solely for purposes of this title, a freight broker or freight forwarder that enters into an agreement with a licensed common or contract carrier for the transportation of freight on behalf of such broker or forwarder is not the employer of the drivers engaged by such common or contract carrier to operate commercial vehicles owned or operated by such common or contract carrier unless the common or contract carrier is also the driver.

(2) Nothing in this section shall be construed as relieving the owner or lessee of a commercial vehicle from treating the individual operating the vehicle as a worker under this title unless such individuals are not workers within the meaning of RCW 51.08.180 or are otherwise excluded from coverage under RCW 51.08.195.

(3) If an individual is excluded from coverage under this title pursuant to subsection (1) or (2) of this section, the individual may elect coverage under this title in the manner provided by RCW 51.32.030.

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