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HOUSE BILL 1332

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Hargrove, Heavey and Jones.

Read first time January 25, 1991. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to injuries to jurors and witnesses in the course  
2 of their official duties; amending RCW 51.08.180 and 51.12.020; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.**            The legislature finds that jurors and  
6 witnesses are not within the class of persons intended to be covered by  
7 the industrial insurance laws of this state. It is the intent of the  
8 legislature that jurors and witnesses injured in the course of their  
9 official duties have recourse as provided by applicable civil law  
10 against the state or county, as appropriate, for these injuries.

11            **Sec. 2.**    RCW 51.08.180 and 1987 c 175 s 3 are each amended to read  
12 as follows:

13            (1) "Worker" means every person in this state who is engaged in the  
14 employment of an employer under this title, whether by way of manual

1 labor or otherwise in the course of his or her employment; also every  
2 person in this state who is engaged in the employment of or who is  
3 working under an independent contract, the essence of which is his or  
4 her personal labor for an employer under this title, whether by way of  
5 manual labor or otherwise, in the course of his or her employment:  
6 PROVIDED, That a person is not a worker for the purpose of this title,  
7 with respect to his or her activities attendant to operating a truck  
8 which he or she owns, and which is leased to a common or contract  
9 carrier.

10 (2) For the purposes of this title, any person, firm, or  
11 corporation currently engaging in a business which is registered under  
12 chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker  
13 when:

14 (a) Contracting to perform work for any contractor registered under  
15 chapter 18.27 RCW or licensed under chapter 19.28 RCW;

16 (b) The person, firm, or corporation has a principal place of  
17 business which would be eligible for a business deduction for internal  
18 revenue service tax purposes other than that furnished by the  
19 contractor for which the business has contracted to furnish services;

20 (c) The person, firm, or corporation maintains a separate set of  
21 books or records that reflect all items of income and expenses of the  
22 business; and

23 (d) The work which the person, firm, or corporation has contracted  
24 to perform is:

25 (i) The work of a contractor as defined in RCW 18.27.010; or

26 (ii) The work of installing wires or equipment to convey electric  
27 current or installing apparatus to be operated by such current as it  
28 pertains to the electrical industry as described in chapter 19.28 RCW.

29 (3) Any person, firm, or corporation registered under chapter 18.27  
30 RCW or licensed under chapter 19.28 RCW including those performing work

1 for any contractor registered under chapter 18.27 RCW or licensed under  
2 chapter 19.28 RCW is a worker when the contractor supervises or  
3 controls the means by which the result is accomplished or the manner in  
4 which the work is performed.

5 (4) For the purposes of this title, any person participating as a  
6 driver or back-up driver in commuter ride sharing, as defined in RCW  
7 46.74.010(1), is not a worker while driving a ride-sharing vehicle on  
8 behalf of the owner or lessee of the vehicle.

9 (5) For the purposes of this title, any person appearing as a  
10 witness in a criminal, civil, administrative, or other public  
11 proceeding, unless such appearance is otherwise within the course of  
12 his or her employment, is not a worker.

13 **Sec. 3.** RCW 51.12.020 and 1987 c 316 s 2 are each amended to read  
14 as follows:

15 The following are the only employments which shall not be included  
16 within the mandatory coverage of this title:

17 (1) Any person employed as a domestic servant in a private home by  
18 an employer who has less than two employees regularly employed forty or  
19 more hours a week in such employment.

20 (2) Any person employed to do gardening, maintenance, repair,  
21 remodeling, or similar work in or about the private home of the  
22 employer.

23 (3) A person whose employment is not in the course of the trade,  
24 business, or profession of his or her employer and is not in or about  
25 the private home of the employer.

26 (4) Any person performing services in return for aid or sustenance  
27 only, received from any religious or charitable organization.

28 (5) Sole proprietors or partners: PROVIDED, That after July 26,  
29 1981, sole proprietors or partners who for the first time register

1 under chapter 18.27 RCW or become licensed for the first time under  
2 chapter 19.28 RCW shall be included under the mandatory coverage  
3 provisions of this title subject to the provisions of RCW 51.32.030.  
4 These persons may elect to withdraw from coverage under RCW 51.12.115.

5 (6) Any child under eighteen years of age employed by his parent or  
6 parents in agricultural activities on the family farm.

7 (7) Jockeys while participating in or preparing horses for race  
8 meets licensed by the Washington horse racing commission pursuant to  
9 chapter 67.16 RCW.

10 (8) Any officer of a corporation elected and empowered in  
11 accordance with the articles of incorporation or bylaws of a  
12 corporation who at all times during the period involved is also a  
13 director and shareholder of the corporation. However, any corporation  
14 may elect to cover such officers who are in fact employees of the  
15 corporation in the manner provided by RCW 51.12.110.

16 (9) Services rendered by a musician or entertainer under a contract  
17 with a purchaser of the services, for a specific engagement or  
18 engagements when such musician or entertainer performs no other duties  
19 for the purchaser and is not regularly and continuously employed by the  
20 purchaser. A purchaser does not include the leader of a group or  
21 recognized entity who employs other than on a casual basis musicians or  
22 entertainers.

23 (10) Any juror summoned pursuant to chapter 2.36 RCW.