**5765.E AMH LAWS H2728.1 - NOT FOR FLOOR USE**

**ESB 5765** - H COMM AMD

By Committee on Labor & Workplace Standards

**NOT CONSIDERED 12/23/2019**

Strike everything after the enacting clause and insert the following:

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

For purposes of section 2 of this act, the legislature finds that there are a variety of business models within the freight transportation industry. New freight business models continue to evolve, with the potential to create confusion regarding which entity is considered the employer of a driver for purposes of industrial insurance. The legislature intends to clarify, in alignment with current law and practice, the circumstances under which a freight broker or forwarder who engages with a carrier for delivery of freight may not be considered the employer of the drivers.

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 may not be 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."

Correct the title.

EFFECT: Adds an intent section to specify that the purpose of the act is to clarify an employer exemption under industrial insurance in alignment with current law and practice. Provides that for purposes of the specified employer exemption for industrial insurance, a freight broker or forwarder may not be considered the employer, rather than is not considered the employer, when engaging with a carrier for delivery of freight.