

**SB 5765 - S AMD 114**  
By Senator Kuderer

**ADOPTED 03/08/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.12  
4 RCW to read as follows:

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

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

17 (3) If an individual is excluded from coverage under this title  
18 pursuant to subsection (1) or (2) of this section, the individual may  
19 elect coverage under this title in the manner provided by RCW  
20 51.32.030."

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21 On page 1, line 1 of the title, after "Relating to" strike the  
22 remainder of the title and insert "clarifying responsibilities for  
23 mandatory industrial insurance coverage for persons transporting  
24 freight; and adding a new section to chapter 51.12 RCW."

EFFECT: Removes the provision that the freight broker or forwarder is not the employer of the common or contract carrier.

Modifies the title to clarifying responsibilities for mandatory industrial insurance coverage for persons transporting freight.

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