

ESSB 5048 - H AMD TO H AMD (H-2540.1/17) **394**

By Representative Shea

SCOPE AND OBJECT 03/31/2017

1 On page 284, after line 21, insert the following section:

2 "Sec. 962. RCW 51.08.180 and 2008 c 102 s 3 are each amended to
3 read as follows:

4 "Worker" means every person in this state who is engaged in the
5 employment of an employer under this title, whether by way of manual
6 labor or otherwise in the course of his or her employment; also
7 every person in this state who is engaged in the employment of or
8 who is working under an independent contract, the essence of which
9 is his or her personal labor for an employer under this title,
10 whether by way of manual labor or otherwise, in the course of his or
11 her employment, or as an exception to the definition of worker, a
12 person is not a worker if he or she meets the tests set forth in
13 subsections (1) through (6) of RCW 51.08.195 or the separate tests
14 set forth in RCW 51.08.181 for work performed that requires
15 registration under chapter 18.27 RCW or licensing under chapter
16 19.28 RCW: PROVIDED, That a person is not a worker for the purpose
17 of this title, with respect to his or her activities attendant to
18 operating a truck, as "truck" is defined in RCW 46.04.653, which he
19 or she owns, and which is leased to a ((common or contract)) motor
20 carrier or for which he or she provides services as a licensed motor
21 carrier to a freight broker."

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23 Renumber remaining sections consecutively and correct internal
24 references accordingly. Correct the title.

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EFFECT: Exempts the following from the definition of "worker"
for purposes of the state industrial insurance act: A person

operating a truck, as "truck" is defined in RCW 46.04.653, which he or she owns, and which is leased to a motor carrier or for which he or she provides services as a licensed motor carrier to a freight broker.

FISCAL IMPACT: No net change to appropriated levels.

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