
SUBSTITUTE SENATE BILL 6302

State of Washington

69th Legislature

2026 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Conway, Saldaña, Hasegawa, Orwall, and Valdez)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to misclassification in the finishing trades on
2 public works projects; amending RCW 39.12.100, 51.08.185, and
3 51.08.181; and adding a new section to chapter 39.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.12
6 RCW to read as follows:

7 (1) No contractor or subcontractor may engage more than two
8 independent contractors, as described in RCW 39.12.100, to perform
9 the same type of covered finishing work at the same time on a public
10 works project.

11 (2) If a contractor or subcontractor violates subsection (1) of
12 this section, all individuals engaged by the contractor or
13 subcontractor to perform the same type of covered finishing work at
14 the same time is a worker, laborer, or mechanic for the purposes of
15 this chapter and an employee for the purposes of Title 51 RCW.

16 (3) For the purposes of this section, "covered finishing work"
17 means work in drywall, flooring, tiling, painting, and glazier and
18 glasswork.

19 **Sec. 2.** RCW 39.12.100 and 2023 c 88 s 6 are each amended to read
20 as follows:

1 (1) For the purposes of this chapter, an individual employed on a
2 public works project is not considered to be a laborer, worker, or
3 mechanic when:

4 ~~((1))~~ (a) The individual has been and is free from control or
5 direction over the performance of the service, both under the
6 contract of service and in fact;

7 ~~((2))~~ (b) The service is either outside the usual course of
8 business for the contractor or contractors for whom the individual
9 performs services, or the service is performed outside all of the
10 places of business of the enterprise for which the individual
11 performs services, or the individual is responsible, both under the
12 contract and in fact, for the costs of the principal place of
13 business from which the service is performed;

14 ~~((3))~~ (c) The individual is customarily engaged in an
15 independently established trade, occupation, profession, or business,
16 of the same nature as that involved in the contract of service, or
17 the individual has a principal place of business for the business the
18 individual is conducting that is eligible for a business deduction
19 for federal income tax purposes other than that furnished by the
20 employer for which the business has contracted to furnish services;

21 ~~((4))~~ (d) On the effective date of the contract of service, the
22 individual is responsible for filing at the next applicable filing
23 period, both under the contract of service and in fact, a schedule of
24 expenses with the internal revenue service for the type of business
25 the individual is conducting;

26 ~~((5))~~ (e) On the effective date of the contract of service, or
27 within a reasonable period after the effective date of the contract
28 of service, the individual has an active and valid certificate of
29 registration with the department of revenue, and an active and valid
30 account with any other state agencies as required by the particular
31 case, for the business the individual is conducting for the payment
32 of all state taxes normally paid by employers and businesses and has
33 registered for and received a unified business identifier number from
34 the state of Washington;

35 ~~((6))~~ (f) On the effective date of the contract of service, the
36 individual is maintaining a separate set of books or records that
37 reflect all items of income and expenses of the business which the
38 individual is conducting; and

39 ~~((7))~~ (g) On the effective date of the contract of service, if
40 the nature of the work performed requires registration under chapter

1 18.27 RCW or licensure under chapter 18.106, 19.28, or 70.87 RCW, the
2 individual has the contractor registration and contractor licenses
3 required by the laws of this state including chapters 18.27, 18.106,
4 19.28, and 70.87 RCW.

5 (2) This section does not apply to any individual performing the
6 same type of covered finishing work at the same time that are
7 workers, laborers, or mechanics pursuant to section 1 of this act.

8 **Sec. 3.** RCW 51.08.185 and 1977 ex.s. c 350 s 16 are each amended
9 to read as follows:

10 (1) "Employee" shall have the same meaning as "worker" when the
11 context would so indicate, and shall include all officers of the
12 state, state agencies, counties, municipal corporations, or other
13 public corporations, or political subdivisions.

14 (2) "Employee" includes all individuals performing the same type
15 of covered finishing work at the same time on a public works project
16 when a subcontractor engages more than two independent contractors as
17 described in section 1 of this act.

18 **Sec. 4.** RCW 51.08.181 and 2023 c 88 s 9 are each amended to read
19 as follows:

20 (1) For the purposes of this title, any individual performing
21 services that require registration under chapter 18.27 RCW or
22 licensing under chapter 18.106 or 19.28 RCW for remuneration under an
23 independent contract is not a worker when:

24 ~~((1))~~ (a) The individual has been, and will continue to be,
25 free from control or direction over the performance of the service,
26 both under the contract of service and in fact;

27 ~~((2))~~ (b) The service is either outside the usual course of
28 business for which the service is performed, or the service is
29 performed outside all of the places of business of the enterprise for
30 which the service is performed, or the individual is responsible,
31 both under the contract and in fact, for the costs of the principal
32 place of business from which the service is performed;

33 ~~((3))~~ (c) The individual is customarily engaged in an
34 independently established trade, occupation, profession, or business,
35 of the same nature as that involved in the contract of service, or
36 the individual has a principal place of business for the business the
37 individual is conducting that is eligible for a business deduction

1 for federal income tax purposes other than that furnished by the
2 employer for which the business has contracted to furnish services;

3 ~~((4))~~ (d) On the effective date of the contract of service, the
4 individual is responsible for filing at the next applicable filing
5 period, both under the contract of service and in fact, a schedule of
6 expenses with the internal revenue service for the type of business
7 the individual is conducting;

8 ~~((5))~~ (e) On the effective date of the contract of service, or
9 within a reasonable period after the effective date of the contract,
10 the individual has an active and valid certificate of registration
11 with the department of revenue, and an active and valid account with
12 any other state agencies as required by the particular case, for the
13 business the individual is conducting for the payment of all state
14 taxes normally paid by employers and businesses and has registered
15 for and received a unified business identifier number from the state
16 of Washington;

17 ~~((6))~~ (f) On the effective date of the contract of service, the
18 individual is maintaining a separate set of books or records that
19 reflect all items of income and expenses of the business which the
20 individual is conducting; and

21 ~~((7))~~ (g) On the effective date of the contract of service, the
22 individual has a valid contractor registration pursuant to chapter
23 18.27 RCW, a plumbing contractor license pursuant to chapter 18.106
24 RCW, or an electrical contractor license pursuant to chapter 19.28
25 RCW.

26 (2) This section does not apply to any individual performing the
27 same type of covered finishing work at the same time on a public
28 works project when a contractor or subcontractor engages more than
29 two independent contractors as described in section 1 of this act.

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