
SENATE BILL 6302

State of Washington 69th Legislature 2026 Regular Session

By Senators Conway, Saldaña, Hasegawa, Orwall, and Valdez

Read first time 01/26/26. Referred to Committee on Labor & Commerce.

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 51.08.195; 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 covered finishing work on a public works project.

10 (2) If a contractor or subcontractor violates subsection (1) of
11 this section, any individual engaged by the contractor or
12 subcontractor to perform covered finishing work is a laborer for the
13 purposes of this chapter and an employee for the purposes of Title 51
14 RCW.

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

18 **Sec. 2.** RCW 39.12.100 and 2023 c 88 s 6 are each amended to read
19 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 individuals performing covered
6 finishing work that are laborers pursuant to section 1(2) of this
7 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 individuals performing covered finishing
15 work that are employees pursuant to section 1(2) of this act.

16 **Sec. 4.** RCW 51.08.195 and 2008 c 102 s 4 are each amended to
17 read as follows:

18 (1) As an exception to the definition of "employer" under RCW
19 51.08.070 and the definition of "worker" under RCW 51.08.180,
20 services performed by an individual for remuneration shall not
21 constitute employment subject to this title if it is shown that:

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

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

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

37 ~~((4))~~ (d) On the effective date of the contract of service, the
38 individual is responsible for filing at the next applicable filing

1 period, both under the contract of service and in fact, a schedule of
2 expenses with the internal revenue service for the type of business
3 the individual is conducting; and

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

12 ~~((6))~~ (f) On the effective date of the contract of service, the
13 individual is maintaining a separate set of books or records that
14 reflect all items of income and expenses of the business which the
15 individual is conducting.

16 (2) This section does not apply to individuals performing covered
17 finishing work that are employees pursuant to section 1(2) of this
18 act.

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