S-2021.1

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SUBSTITUTE SENATE BILL 5765

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State of Washington   **66th Legislature**   **2019 Regular Session**

By Senate Labor & Commerce (originally sponsored by Senators Kuderer, Warnick, King, Fortunato, Walsh, Keiser, and Hobbs)

1   AN ACT Relating to creating consistency and transparency for
2   owner-operators by creating a definition of "truck" for industrial
3   insurance; and amending RCW 51.08.180.

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

5   **Sec. 1.**   RCW 51.08.180 and 2008 c 102 s 3 are each amended to
6   read as follows:
7   (1) Except as provided in subsection (2) of this section,
8   "worker" means every person in this state who is engaged in the
9   employment of an employer under this title, whether by way of manual
10   labor or otherwise in the course of his or her employment; also every
11   person in this state who is engaged in the employment of or who is
12   working under an independent contract, the essence of which is his or
13   her personal labor for an employer under this title, whether by way
14   of manual labor or otherwise, in the course of his or her employment,
15   or as an exception to the definition of worker, a person is not a
16   worker if he or she meets the tests set forth in ((subsections (1)
17   through (6) of)) RCW 51.08.195 (1) through (6) or the separate tests
18   set forth in RCW 51.08.181 for work performed that requires
19   registration under chapter 18.27 RCW or licensing under chapter 19.28
20   RCW((: PROVIDED, That)).

1   (2) A person is not a worker for the purpose of this title, with
2 respect to his or her activities attendant to operating a truck which
3 he or she owns, and which is leased to a common or contract carrier.
4 For the purposes of this title, "truck" means: (a) An automotive
5 vehicle with a short chassis equipped with a swivel for attaching a
6 trailer and used especially for the highway hauling of freight; or
7 (b) a truck with attached trailer. However, a person exempted under
8 this subsection may elect coverage under this title in the manner
9 provided by RCW 51.32.030.

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