



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Labor and Industries

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

This rulemaking is being performed to implement requirements of Engrossed Substitute Senate Bill (ESSB) 5550 which exempts from workers' compensation insurance the taxi, for hire, and limousine drivers who own vehicles or lease them from others; and exempts commercial transportation service (CTS) drivers as defined in Title 48. The legislation allows for elective coverage for these exempt employments.

Citation of existing rules affected by this order:

Repealed: n/a

Amended: WAC 296-17-35203 Special reporting instructions
WAC 296-17A-1401 Classification 1401 (Taxi companies)
WAC 296-17A-1404 Classification 1404 (Cabulance and paratransit)
WAC 296-17A-6301 Classification 6301 (Limousine drivers)

New: WAC 296-17-35205 Special reporting for taxi, for hire, limousine drivers and entities; and commercial transportation service drivers

Suspended: n/a

Statutory authority for adoption: RCW 51.04.020 and RCW 51.16.035

Other authority : n/a

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

ESSB 5550 repeals mandatory coverage requirements for workers' compensation insurance for drivers who own vehicles, or lease a vehicle from others, in the taxi, for hire, limousine, and cabulance industry; and exempts from workers' compensation requirements all drivers of commercial transportation services (also known as transportation network companies). Effective July 24, 2015, coverage is optional. This rulemaking immediately implements the reporting and classification changes required as a result of ESSB 5550. Permanent rulemaking is being performed in conjunction with this emergency. The amendments to the rules: remove language about mandatory coverage and penalties of non-compliance; instruct the industry how they must report and pay premium for mandatory workers' compensation coverage for July 1, 2015 through July 23, 2015; and instruct the industry how they may opt for coverage beginning July 24, 2015.

Date adopted: July 24, 2015

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 24, 2015

TIME: 7:01 AM

WSR 15-16-012

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>4</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____