
HOUSE BILL 1952

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Rasmussen, R. King, Cole, Ferguson, Leonard, Holland, G. Fisher, Winsley, Heavey, May, Phillips, R. Fisher, Fuhrman, Lisk and Sheldon.

Read first time February 15, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance coverage for jockeys and
2 apprentice jockeys; amending RCW 51.08.070, 51.16.210, 67.16.300, and
3 51.12.020; adding a new section to chapter 51.16 RCW; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 51.08.070 and 1981 c 128 s 1 are each amended to read
7 as follows:

8 "Employer" means any person, body of persons, corporate or
9 otherwise, and the legal representatives of a deceased employer, all
10 while engaged in this state in any work covered by the provisions of
11 this title, by way of trade or business, or who contracts with one or
12 more workers, the essence of which is the personal labor of such worker
13 or workers.

1 "Employer" also means all owners and trainers who race or train
2 horses at a facility of any racing association or corporation which is
3 subject to chapter 67.16 RCW.

4 For the purposes of this title, a contractor registered under
5 chapter 18.27 RCW or licensed under chapter 19.28 RCW is not an
6 employer when:

7 (1) Contracting with any other person, firm, or corporation
8 currently engaging in a business which is registered under chapter
9 18.27 RCW or licensed under chapter 19.28 RCW;

10 (2) The person, firm, or corporation has a principal place of
11 business which would be eligible for a business deduction for internal
12 revenue service tax purposes other than that furnished by the
13 contractor for which the business has contracted to furnish services;

14 (3) The person, firm, or corporation maintains a separate set of
15 books or records that reflect all items of income and expenses of the
16 business; and

17 (4) The work which the person, firm, or corporation has contracted
18 to perform is:

19 (a) The work of a contractor as defined in RCW 18.27.010; or

20 (b) The work of installing wires or equipment to convey electric
21 current or installing apparatus to be operated by such current as it
22 pertains to the electrical industry as described in chapter 19.28 RCW.

23 **Sec. 2.** RCW 51.16.210 and 1989 c 385 s 1 are each amended to read
24 as follows:

25 (1) The department shall assess premiums, under the provisions of
26 this section, for certain horse racing employments licensed in
27 accordance with chapter 67.16 RCW. This premium assessment shall be
28 for the purpose of providing industrial insurance coverage for
29 employees of owners and trainers licensed under chapter 67.16 RCW,

1 including but not limited to exercise riders, pony riders, jockeys,
2 apprentice jockeys, and grooms, and including all on or off track
3 employment. For the purposes of RCW 51.16.210, 67.16.300, 51.16.140,
4 51.32.073, and 67.16.020 a hotwalker shall be considered a groom. The
5 department may adopt rules under chapter 34.05 RCW to carry out the
6 purposes of this section, including rules providing for alternative
7 reporting periods and payment due dates for coverage under this
8 section. The department rules shall ensure that no licensee licensed
9 prior to May 13, 1989, shall pay more than the assessment fixed at the
10 basic manual rate.

11 (2) The department shall compute industrial insurance premium rates
12 on a per license basis, which premiums shall be assessed at the time of
13 each issuance or renewal of the license for owners, trainers, and
14 grooms in amounts established by department rule for coverage under
15 this section. Premium assessments shall be determined in accordance
16 with the requirements of this title, except that assessments shall not
17 be experience rated and shall be fixed at the basic manual rate.
18 However, rates may vary according to differences in working conditions
19 at major tracks and fair tracks.

20 (3) For the purposes of paying premiums and assessments under this
21 section and making reports under this title, individuals licensed as
22 owners or trainers by the Washington horse racing commission shall be
23 considered employers of exercise riders, pony riders, jockeys,
24 apprentice jockeys, and grooms. The premium assessment for a groom's
25 license shall be paid by the trainer responsible for signing the
26 groom's license application and shall be payable at the time of license
27 issuance or renewal.

28 (a) All owners or trainers who are subject to chapter 67.16 RCW are
29 presumed to be the employers of any exercise rider, pony rider, jockey,

1 apprentice jockey, or groom who is injured or dies under circumstances
2 for which benefits would be payable under this title.

3 (b) All exercise riders, pony riders, jockeys, apprentice jockeys,
4 and grooms are presumed to be an employee of all owners or trainers who
5 are subject to chapter 67.16 RCW when an injury or death occurs under
6 circumstances for which benefits would be payable under this title.

7 (4) The fee to be assessed on owner licenses as required by this
8 section shall not exceed one hundred fifty dollars. However, those
9 owners having less than a full ownership in a horse or horses shall pay
10 a percentage of the required license fee that is equal to the total
11 percentage of the ownership that the owner has in the horse or horses.
12 In no event shall an owner having an ownership percentage in more than
13 one horse pay more than a one hundred fifty-dollar license fee. The
14 assessment on each owner's license shall (~~not imply that an owner is~~
15 ~~an employer, but shall~~) be required as part of the privilege of
16 holding an owner's license.

17 (5) Premium assessments under this section shall be collected by
18 the Washington horse racing commission and deposited in the industrial
19 insurance trust funds as provided under department rules.

20 **Sec. 3.** RCW 67.16.300 and 1989 c 385 s 2 are each amended to read
21 as follows:

22 In addition to the license fees authorized by this chapter, the
23 commission shall collect the industrial insurance premium assessments
24 required under RCW 51.16.210 from trainers, grooms, and owners. The
25 industrial insurance premium assessments required under RCW 51.16.210
26 shall be retroactive to January 1, (~~1989~~) 1990, and shall be
27 collected from all licensees whose licenses were issued after that
28 date. The commission shall deposit the industrial insurance premium

1 assessments in the industrial insurance trust fund as required by rules
2 adopted by the department of labor and industries.

3 **Sec. 4.** RCW 51.12.020 and 1987 c 316 s 2 are each amended to read
4 as follows:

5 The following are the only employments which shall not be included
6 within the mandatory coverage of this title:

7 (1) Any person employed as a domestic servant in a private home by
8 an employer who has less than two employees regularly employed forty or
9 more hours a week in such employment.

10 (2) Any person employed to do gardening, maintenance, repair,
11 remodeling, or similar work in or about the private home of the
12 employer.

13 (3) A person whose employment is not in the course of the trade,
14 business, or profession of his or her employer and is not in or about
15 the private home of the employer.

16 (4) Any person performing services in return for aid or sustenance
17 only, received from any religious or charitable organization.

18 (5) Sole proprietors or partners: PROVIDED, That after July 26,
19 1981, sole proprietors or partners who for the first time register
20 under chapter 18.27 RCW or become licensed for the first time under
21 chapter 19.28 RCW shall be included under the mandatory coverage
22 provisions of this title subject to the provisions of RCW 51.32.030.
23 These persons may elect to withdraw from coverage under RCW 51.12.115.

24 (6) Any child under eighteen years of age employed by his parent or
25 parents in agricultural activities on the family farm.

26 (7) ~~((Jockeys while participating in or preparing horses for race
27 meets licensed by the Washington horse racing commission pursuant to
28 chapter 67.16 RCW.~~

1 ~~(8))~~) Any officer of a corporation elected and empowered in
2 accordance with the articles of incorporation or bylaws of a
3 corporation who at all times during the period involved is also a
4 director and shareholder of the corporation. However, any corporation
5 may elect to cover such officers who are in fact employees of the
6 corporation in the manner provided by RCW 51.12.110.

7 ~~((9))~~) (8) Services rendered by a musician or entertainer under a
8 contract with a purchaser of the services, for a specific engagement or
9 engagements when such musician or entertainer performs no other duties
10 for the purchaser and is not regularly and continuously employed by the
11 purchaser. A purchaser does not include the leader of a group or
12 recognized entity who employs other than on a casual basis musicians or
13 entertainers.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 51.16 RCW
15 to read as follows:

16 (1) The average weekly wage of an exercise rider, pony rider,
17 jockey, apprentice jockey, and groom is based upon all earnings,
18 including earnings from outside the state.

19 (2) The department shall adopt the rules necessary for gathering
20 and computing the wage information required for compliance with
21 subsection (1) of this section.

22 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.