

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Passed the Senate February 1, 1982.

Passed the House March 6, 1982.

Approved by the Governor March 27, 1982.

Filed in Office of Secretary of State March 27, 1982.

## CHAPTER 80

[Engrossed Senate Bill No. 4558]

### TRUCK OWNER-OPERATORS—INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance coverage; amending section 51.08.180, chapter 23, Laws of 1961 as last amended by section 2, chapter 128, Laws of 1981 and RCW 51.08.180; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51.08.180, chapter 23, Laws of 1961 as last amended by section 2, chapter 128, Laws of 1981 and RCW 51.08.180 are each amended to read as follows:

"Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an

independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

For the purposes of this title, any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker when:

(1) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

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

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

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

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

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

**\*Sec. 2. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020 are each amended to read as follows:**

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

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

**(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.**

**(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.**

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

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

**(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.**

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

**(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67-.16 RCW.**

**(9) Any executive officer elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. Any officer who was considered by the department to be covered on and after June 30, 1977, shall continue to be covered until such time as the officer voluntarily elects to withdraw from coverage in the manner provided by RCW 51.12-.110. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.**

**\*Sec. 2 was vetoed, see message at end of chapter.**

Passed the Senate February 16, 1982.

Passed the House March 5, 1982.

Approved by the Governor March 27, 1982, with the exception of Section 2, which is vetoed.

Filed in Office of Secretary of State March 27, 1982.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Senate Bill No. 4558 entitled:

"AN ACT Relating to industrial insurance coverage."

Section 2 of this bill contains current statutory language with no amendments. This presents a conflict with Engrossed House Bill 454, which also contains this section of existing law but with amendatory language. I have vetoed Section 2 in order to avoid difficulties in codification and future interpretation of this section of the Code.

With the exception of Section 2 which I have vetoed, Senate Bill No. 4558 is approved."