

Relationship between a Truck Driver and Motor Carrier Under H.B. 308



With the implementation of House Bill 308 and Senate Bill 52, Utah established guidelines for determining when a driver can be considered an independent contractor for workers' compensation purposes. The box below summarizes those guidelines.

A TRUCK DRIVER CAN BE CONSIDERED AN INDEPENDENT CONTRACTOR IF ALL OF THE FOLLOWING APPLY:

- The driver owns a motor vehicle or leases a motor vehicle to a motor carrier
- The driver personally operates the motor vehicle
- The motor carrier and driver have a written agreement confirming that the driver operates the vehicle as an independent contractor
- The motor carrier has a copy of a current workers' compensation coverage waiver for the driver
- The motor carrier has proof that the driver has occupational-accident insurance that provides disability, death, and medical benefits (hospital, surgical, prescription drug, and dental coverage) with \$1,000,000 in coverage.

Motor carriers must weigh the cost of providing workers' compensation insurance against the cost and risk of establishing an independent-contractor relationship. Drivers who are covered by their employer's workers' compensation insurance cannot sue their employer for civil damages related to injuries sustained on the job. This exclusive remedy protection does not apply between a motor carrier and an independent contractor.

DRIVERS' COMMONLY ASKED QUESTIONS:

Q. Is my coverage waiver (WCCW) still valid?

A. Yes. An occupational-accident policy is not required to obtain a WCCW, but it will be required at the time of audit. But remember, the WCCW is only one of several requirements to qualify as an independent contractor under HB 308. To avoid the potential for premium charges, motor carriers should ensure that their drivers meet all of these requirements. Administration of the WCCW is handled by the Utah Labor Commission.

Q. Does purchasing a WCCW satisfy the requirements of H.B. 308?

A. No. The box on the left outlines all the requirements that must be met in order to consider a driver an independent contractor under HB 308. A driver with a workers' compensation insurance policy does not need to comply with these requirements.

Q. Where can I purchase occupational accident-related insurance?

A. Occupational accident insurance can be obtained from Univantage Insurance Solutions at 385.351.8328. Univantage Insurance Solutions is a licensed managing general agency and a subsidiary of WCF Insurance.

Q. What does workers' compensation coverage cost?

A. To get an accurate quote, please complete an application at wcf.com or call our marketing department at 877.658.2777.

Q. Is my WCCW effective nationwide?

A. The WCCW was created by the Utah Legislature for Utah only. If you operate out of state, it is your responsibility to comply with the laws and regulations of those states.

Please contact your agent or WCF representative if you have any additional questions.