

Reset Form

Print Form

## Trucking Industry No Subhauler Certification

Legal Name: \_\_\_\_\_

FEIN #: \_\_\_\_\_ DOT #: \_\_\_\_\_ (if any)

Please sign below after you have reviewed the four categories (types) of drivers that are evaluated on all trucking risks in order to calculate State Fund workers' compensation premium for your trucking firm.

Driver Category	Characteristics of Such Drivers	Portion of Payroll (or Cost of Hire) to Include in the Premium Base
1. Drivers who are <u>employees</u> of your trucking firm:	<ul style="list-style-type: none"> <li>Drivers who <u>receive W-2s</u> from your trucking firm.</li> <li>Drivers who <u>drive trucks owned by your trucking firm</u> (or entities in which you have a financial interest) are considered employees regardless of any other factors, including how they are paid.</li> </ul>	<b>100%</b>
2. Drivers who <u>lease their vehicles</u> from your trucking firm and drive on your behalf:	<ul style="list-style-type: none"> <li>Drivers who <u>lease their vehicles from your trucking firm</u> (or entities in which you have a financial interest) are considered employees regardless of any other factors, including how they are paid.</li> <li>Such drivers will be considered employees even if their sub-haul frequency on behalf of your trucking firm is sporadic/infrequent.</li> <li>In such instances, the driver can be the DMV-registered owner, but the lienholder will be your trucking firm (or your financial interest).</li> </ul>	<b>100%</b>
3. Drivers who <b>own their vehicles</b> , but over whom you demonstrate a 'control of manner and means' in how they operate while driving on your behalf:	<ul style="list-style-type: none"> <li>Drivers' relationship with your trucking firm has strong characteristics of an "Employer-Employee" type relationship, as evidenced by factors demonstrating that <u>you</u> exercise certain control over the manner and means by which the drivers operate on your behalf.</li> <li><b>Where an "employer-employee" type relationship is demonstrated with such Trucking Sub-Haulers, the WCIRB's rule (USRP, Part 3, Section V, Rule 4) would be applicable, and therefore, 25%* or 60%* of the 'Cost of Hire' will be included as estimated payroll in the premium base for your WC quote/policy.</b></li> </ul>	<p><b>25% * (for vehicles over 10,000 GVW)</b></p> <p><b>60% * (for vehicles under 10,000 GVW)</b></p>
4. Drivers who <b>own their vehicles</b> , and are <u>truly independent</u> from your trucking firm while driving on your behalf:	<ul style="list-style-type: none"> <li>Drivers whose relationship with your trucking firm is truly independent, as evidenced by factors demonstrating that <u>the drivers</u> predominantly control the manner and means by which they operate on your behalf, and that you do not exercise a span of control over the manner and means in which they operate on your behalf.</li> </ul>	<b>0%</b>

**By submitting and signing, I certify that the following are accurate:**

- I currently do not pay any drivers whom I consider Independent Contractors.
- I understand that if, in the future, I pay drivers whom I consider Independent Contractors, the above 4 categories will be used to assess the portions of payroll and 'Cost of Hire' to determine premium calculation.

**Please Sign here:**

\_\_\_\_\_  
Signature of Company Owner  
(Authorized Representative)

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date