

Trucking Industry Workers' Compensation Questionnaire

The purpose of this questionnaire is to obtain information about your operation as well as key characteristics of the relationship between your firm and the drivers who operate on your behalf, whether you regard them as Employees or as Independent Contractors (see page 5 for definitions). Questionnaire responses, any related contracts or agreements and information gathered from other accredited sources will be used to perform an underwriting evaluation to determine estimated premium for your workers' compensation coverage, subject to the WCIRB Unit Statistical Reporting Plan (USRP) and California law. An audit may be conducted after policy expiration to determine final premium based on actual exposure.

The broker/agent representing the employer/applicant may complete and sign this questionnaire in order to receive a quote for coverage; however, the employer/applicant must sign this questionnaire in order to bind coverage.

Applicant Information		
Legal Name:		
Mailing Address:		
Year Established:	SSN (last 4 digits):	DMV MCP/CA#:
SEIN:	FEIN:	USDOT:

List all Trade Names or DBAs:	

DOT Authority		Legal Entity Type	
Broker	Carrier	Sole Proprietor	Spouse & Spouse (incl. RDP)
Freight Forwarder	None	Corporation	Limited Liability Company
		Partnership	Joint Venture

Company operates as (check all that apply):

- | | | | |
|----------------------------|----------------------|------------------------------|-----------------|
| Port/Intermodal Containers | Interstate Hauling | Intrastate (CA only) Hauling | Fulfillment |
| Construction Hauling | Refrigerated Freight | Hauls Agricultural Products | Crating |
| Petroleum Hauling | Fee-Based Storage | Freight Forwarding | NVOCC |
| Third Party Logistics | Cross Docking | Consolidation | Trucking Broker |
| Armored Transport | Amazon Parcel DSP | Amazon Freight Partner | Parcel Delivery |

If you are an individual, sole proprietor, or sole shareholder of a private corporation, then you are automatically excluded from coverage on the policy, although you may elect to be included.

- Do you elect to cover yourself for workers' compensation coverage on this policy? Yes No
If yes, then please provide your estimated annual payroll: \$
- Is your estimated annual payroll included in the estimates in the charted figures on page 3? Yes No
If yes, under which classification is it included?

1. Do you own or have financial interest in other businesses that are not part of this submission? If yes, please provide names and locations:	Yes	No
2. Do you own trucks / vehicles?	Yes	No
3. Do you lease any of your trucks / vehicles? If yes, from whom: If yes, copies of the Lease Agreement and DMV vehicle registration sheets may be required.	Yes	No
4. Total number of trucks / delivery vehicles operated by you or any other parties on your behalf. If this is different than the power units listed on your USDOT(s) or MCP(s) Please explain:	#:	
5. Location of trucks / vehicles when not in use If Other, provide location:	Employer Location Driver's Home Other	
6. Do you operate a location where freight is handled or stored? If yes, provide location:	Yes	No
7. Are there any cross-border (U.S./Mexico) operations (hauling on your behalf for U.S. loads) whom you pay the driver directly, and the driver is not on the payroll of the out-of-country entity?	Yes	No
8. Does your business utilize temporary labor or leased labor? If Yes, please explain:	Yes	No
9. Do you have employees?	Yes	No
10. Do you hire any drivers whom you consider Independent Contractors?	Yes	No
11. Do you collect worker's compensation certificates from drivers whom you consider Independent Contractors? (Copy of Certificate required)	Yes	No
12. Do you have a written contract with the drivers whom you consider Independent Contractors? (Copy of written contract required)	Yes	No

13. Do the drivers whom you consider Independent Contractors own their own trucks/delivery vehicles? If yes, what is the total annual Cost of Hire for such drivers: \$	Yes	No
# of Drivers:	N/A	

****25% of your 'Cost of Hire' to such drivers may be included as payroll for premium calculation of your WC quote/policy, depending upon the relationship between the drivers and your company.***

14. Do any drivers whom you consider Independent Contractors drive (company) vehicles or vehicles that you (or entities in which you have financial interest) lease to them? If yes, what is the total annual Cost of Hire for such drivers? \$	Yes	No
# of Drivers:	N/A	

****100% of your 'Cost of Hire' to such drivers will be included as payroll for premium calculation of your WC quote/policy.***

******"Cost of hire" is defined as all payments to drivers for hauling services, and any reimbursements or direct pay of fuel, repairs, lodging, food, scale bills, parking, tickets, training, insurance, permits, cell phone, uniforms, laundry, etc.***

Estimated Annual Payroll Information:

Please provide estimated annual payroll for employees for the upcoming policy term, including “Two Check” employees, defined as employees who 1) furnish their own vehicles and 2) are issued both a W-2 and a 1099 for payments received. 100% of the W-2 drivers plus 25% of 1099 drivers will be included as payroll in the premium calculation.

WC Classification Code	# of Full-time, Full Year Employees	# of Part-time or Seasonal Employees	Total Estimated Annual Payroll
7219 – Trucking Firm			
7198 – Parcel Delivery			
2727 – Log Hauling			
8291 – Warehouses – Cold storage			
8292 – Warehouses – NOC			
7360 – Freight Forwarder / Freight Handler			
8742 – Salespersons			
8810 – Clerical			

Please Check the Appropriate Box Below and Proceed Accordingly.

- All of the driver(s) who drive on my behalf are my own employees whose estimated annual payroll is listed above and are not considered Independent Contractors. Please **skip Questions #15 through #32 and sign page 4.**
I consider some of the driver(s) who drive on my behalf to be Independent Contractors. Please read the following paragraph and **answer questions #15 through #32 and sign page 4.** (Please see page 5 for definitions)

Responses to these questions, your standard Sub-Haul Agreement, as well as the information obtained from other sources (i.e. <https://safer.fmcsa.dot.gov>, etc.) will be used to evaluate your exposures for premium determination. If factors indicate that you maintain control over the manner and means by which such drivers operate on your behalf, then a portion of your annual payments (i.e., Cost of Hire, etc.) to such drivers must be included as payroll in the premium calculation for your WC quote/policy. If factors indicate that such drivers operate truly independently, and maintain their own span of control, then your payments to them will not be included in the premium calculation.

Please Answer All Questions	Yes	No
15. Do you impose any restrictions on drivers as to whom, when, and where they can perform their services for others, during or after their contract with you?		
16. Do the drivers exclusively drive for your company?		
17. Do you require drivers to accept the rates that you set?		
18. Do you require or allow drivers to use your company logo or insignia on their trucks or clothes?		
19. Not including discount plans, do you allow drivers to utilize your company expense programs or credit cards? (i.e., including but not limited to: T-Chek, fleet cards, gas cards, etc.)		
20. Do you pay for any of the normal repair, maintenance or operating costs of the drivers who haul on your behalf?		
21. Do you provide assistance (administratively, financially or otherwise) to drivers in procuring or maintaining their own licenses, permits, registrations or insurance needs?		

Please Answer All Questions	Yes	No
22. Do you require drivers to notify you or to obtain your consent before they can hire other drivers to haul loads on your behalf?		
23. Does your contract/agreement with the drivers automatically renew (or have no end date) for services provided?		
24. Do you retain the right to terminate drivers' contracts/agreements at will without penalty or consequence to you?		
25. Are there ramifications or consequences (contractual or otherwise) for drivers who refuse or decline to haul a load for you?		
26. Do you require drivers to follow your company's procedure manual, or operating rules & requirements?		
27. Do you control the order of deliveries, delivery times, hours worked, or routes driven by drivers hauling on your behalf?		
28. Do you limit or prohibit the drivers from maintaining direct communication with the pick-up/drop-off entity?		
29. Do you accept any financial responsibility for damaged and/or late deliveries on behalf of the drivers?		
30. Do you provide training to drivers that you hire to haul loads on your behalf?		
31. Do you perform truck inspections for drivers who provide their own vehicles and haul on your behalf?		
32. Do you require drug tests, medical exams, or fitness evaluations of the drivers who haul on your behalf?		

By submitting this completed & signed State Fund Trucking Industry WC Questionnaire and attachments, I certify that the above answers are true and correct. I am aware that willful underreporting or misclassification of payroll is a violation of California Fraud Statutes.

Please Sign here:

**Signature of Company Owner
 (Authorized Representative)**

Print Name & Title

Date

Signature of Broker

Print Name & Title

Date

Workers Compensation Premium Determination (Four [4] Categories of Drivers) TO BE READ BY ALL APPLICANTS

There are four categories (types) of drivers that are evaluated on all trucking risks, in order to assess the appropriate amount of payroll and ‘Cost of Hire’ to be included in the State Fund workers’ compensation premium base 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"> • Drivers who <u>receive W-2s from your trucking firm</u>. • 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. 	100%
2. Drivers who <u>lease their vehicles</u> from your trucking firm and drive on your behalf:	<ul style="list-style-type: none"> • 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. • Such drivers will be considered employees even if their sub-haul frequency on behalf of your trucking firm is sporadic/infrequent. • In such instances, the driver can be the DMV-registered owner, but the lienholder will be your trucking firm (or your financial interest). 	100%
3. Drivers who own their vehicles , 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"> • 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. • 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. 	<p>25% * (for vehicles over 10,000 GVW)</p> <p>60% * (for vehicles under 10,000 GVW)</p>
4. Drivers who own their vehicles , and are <u>truly independent</u> from your trucking firm while driving on your behalf:	<ul style="list-style-type: none"> • 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. 	0%

* (“The 25% Rule”) - pursuant to the California Workers Compensation Uniform Statistical Reporting Plan:

USRP, Part 3, Section V, Rule 4 – Drivers & Their Helpers Payroll - published by the WCIRB:

*Drivers and their helpers shall mean employees whose principal duties are performed in connection with the operation of motor vehicles. When drivers own or furnish vehicles such as, but not limited to, log trucks, tractor/trailer rigs, furniture vans, and bobtail trucks that have a gross vehicle weight (GVW) rating of **10,000 pounds or more** and pay the operating expenses in connection therewith, no less than **twenty-five percent (25%) of the total amount paid for the hire** of such vehicles and their operating crews shall be deemed to be the payroll of such drivers and their helpers.*

*When drivers own or furnish vehicles such as, but not limited to, motorcycles, passenger cars, vans, pickup trucks, sport utility vehicles and minivans that have a gross vehicle weight (GVW) rating **less than 10,000 pounds** and pay the operating expenses in connection therewith, and when said drivers are not reimbursed for the business use of the vehicle under an accountable plan, no less than **sixty percent (60%) of the total amount paid for the hire** of such vehicles and drivers shall be deemed to be payroll.*

The term “gross vehicle weight rating” means the weight in pounds specified by the manufacturer as the loaded weight of a single motor vehicle.