



Trucking Industry Workers' Compensation Questionnaire

This questionnaire is used to perform an underwriting evaluation of all motor carriers (trucking risks) that apply for State Compensation Insurance Fund (State Fund) workers' compensation (WC) coverage, or are current State Fund policyholders.

This questionnaire can be completed and signed by the insurance broker / agent of the Employer (Applicant) in order to receive a quote, **but it must be signed by the Employer (Applicant) in order to bind that quote.**

The purpose of this questionnaire is to provide information about your operation, and about 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 / sub-haulers / owner-operators). Based upon the responses provided by you to this questionnaire and related materials (Sub-Haul Agreement, etc.) that you provide or that are obtained from other sources, a determination of the premium estimate will be made for the quote / policy, in accordance with the WCIRB Unit Statistical Reporting Plan (USRP) and California law. A final premium audit of your policy will be conducted after policy expiration to adjust the premium base estimates to actuals, in accordance with the WCIRB Unit Statistical Reporting Plan (USRP) and California law.

Effective Date (Inception Date): _____

Company Name of Employer: _____
(Applicant) _____

List all Tradenames or DBAs: _____

Mailing Address: _____

Legal Entity Type (Select): Sole Proprietor Spouse & Spouse (incl. RDP)
 Corporation Limited Liability Company
 Partnership Joint Venture

Year your company was established: _____

Tax ID: FEIN #: _____ SEIN #: _____ SSN #: (last four digits): _____



Operate as: Common Carrier Interstate Intrastate (CA only)
 (Select all Freight Forwarder Trucking Broker Port / Intermodal
 that apply) Construction Commodities & Equipment Standard Freight

LICENSES (List all):

USDOT #: _____

 MC #: _____

 DMV / _____
 MCP CA #: _____

TRUCKS:

Total # of trucks operated by you, or on your behalf:

- # of trucks operated by your **Employees**: _____
 (under all of your License #s)
- # operated by **Independent Contractors**: _____
 (on your behalf – **under your License #**)
- # operated by **Independent Contractors**: _____
 (on your behalf – **under their own CA/USDOT #**)
 [do not include trucks where you are only a broker]

TOTAL # OF TRUCKS: _____

Please estimate your annual **Employee** payroll and headcounts for the next 12 months:

<u>WC Classification Code:</u>	<u># of Full-time Employees:</u>	<u># of Part-time Employees:</u>	<u>Total Estimated Annual Payroll:</u>
7219 – Trucking Firms – NOC (incl. drivers, mechanics & terminal Employees)			
7198 – Parcel Delivery			
2727 – Log Hauling			
7360 – Freight Forwarders (does not include the hauling of freight)			
8291 – Warehouses – cold storage			
8292 – Warehouses – NOC			
8293 – Warehouses - furniture			
8810 – Clerical Office Employees			
8742 - Salespersons			



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 proper portions of payroll and ‘Cost of Hire’ to be included in the 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 vehicle</u> from your trucking firm and drive on your behalf:	<ul style="list-style-type: none"> • Drivers who <u>lease their vehicle 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 vehicle , 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%* 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 vehicle , 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.



1. Do you have any Employees? YES NO
2. If you are an individual sole proprietor (or the sole shareholder of a private corporation), you are automatically excluded from the policy. However, if you are seeking to secure workers' compensation coverage for yourself (i.e., for you to be included under the WC policy), please indicate "Yes" and provide the reason, as well as, your estimated annual payroll: _____ YES NO
3. If yes to #2, have you included the estimated annual payroll for yourself on page 2? YES NO
4. Do you **own** any truck(s) / power units(s)? YES NO
5. Do you **lease** any of your truck(s) from a 3rd party? YES NO
6. If you **lease** any of your truck(s) from a 3rd party, please provide your Lease Agreement & DMV vehicle registration sheet(s) with your signed, completed questionnaire.
7. Are you a Trucking Broker? YES NO
8. If you are a Trucking Broker, and you own trucks under a different entity (DOT license #), please list the number of trucks, as well as, the entity name & authority (license #) under which your vehicles are operated:

9. Do you hire any *Independent Contractors / Sub-Haulers / Owner-Operators* to haul on your behalf? YES NO
10. Do the *Independent Contractors / Sub-Haulers / Owner-Operators* that you hire (if any) operate under your authority (License) when they haul on your behalf? YES NO
11. Do you require any *Independent Contractors / Sub-Haulers / Owner-Operators* to have their own operating authority (USDOT # / MC # / DMV MCP CA #)? YES NO
12. If and when you hire *Independent Contractors / Sub-Haulers / Owner-Operators* to haul on your behalf, do you require a Sub-Haul Agreement / Contract? YES NO
(Please provide a copy of your standard Sub-Haul Agreement with your signed, completed questionnaire).

NOTE:

If you do not hire any *Independent Contractors / Sub-Haulers / Owner-Operators* to drive on your behalf, please skip the questions on pages 5 – 8 and sign page 8.

If you do hire *Independent Contractors / Sub-Haulers / Owner-Operators* to haul on your behalf, or intend to hire such workers, please complete the questions on pages 5 – 8, and sign page 8.



13. Do you determine whether the *Independent Contractors / Sub-Haulers / Owner-Operators* who haul on your behalf have their own workers' compensation coverage (if required)? YES NO

14. If you determine that the *Independent Contractors / Sub-Haulers / Owner-Operators* which you hire do have their own workers' compensation coverage, do you obtain proof of WC coverage from them, and ensure that all of their drivers are covered under such policies? YES NO

NOTE: "Cost of hire" is defined as all payments to sub-haulers 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.

15. List the actual **Total Cost of Hire for ALL Independent Contractors / Sub-Haulers / Owner-Operators** that you paid in the last 12 months: \$_____ # of SH / OO used:_____

16. Estimate the **Total Cost of Hire for ALL Independent Contractors / Sub-Haulers / Owner-Operators** that you expect to pay in the next 12 months: \$_____ # of SH / OO forecasted:_____

17. Are there any *Independent Contractors / Sub-Haulers / Owner-Operators* (hauling on your behalf) to whom **you currently issue (or have previously issued) W-2s?** YES NO

- If "Yes", please show the total annual cost of hire for such drivers here: \$_____
- **100% of your annual payments (i.e., Cost of Hire, etc.) to such drivers will be included as payroll equivalent in the premium base for your WC quote/policy.**

18. Do any *Independent Contractors / Sub-Haulers / Owner-Operators* drive vehicles that **you** (or entities in which you have financial interest) **lease to them?** YES NO

- If "Yes", please show the total annual Cost of Hire for such drivers here: \$_____
- **100% of your annual payments (i.e., Cost of Hire, etc.) to such drivers will be included as payroll equivalent in the premium base for your WC quote/policy.**

19. Do any *Independent Contractors / Sub-Haulers / Owner-Operators* (hauling on your behalf) drive vehicles that **they own independently from you, but lease back to you?** YES NO

- If "Yes", please show the total annual Cost of Hire for such drivers here: \$_____
- **25% of your annual payments (i.e., Cost of Hire, etc.) to such drivers may be included as payroll equivalent in the premium base for your WC quote/policy, depending upon the relationship between lessor and lessee, as indicated on page 3.**



The following questions #20 through #38 will be used to assess the relationship you have with the *Independent Contractors / Sub-Haulers / Owner-Operators* who own their own vehicles but drive on your behalf. In addition to your 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. 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 equivalent in the premium calculation for your WC quote/policy. See page 3 of this document for details. 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.

20. Do you impose any restrictions on *Independent Contractors / Sub-Haulers / Owner-Operators* as to whom, when and where they can perform their services for others (including during their contract with you, or after their contract with you ends)? YES NO
21. Do you require or allow *Independent Contractors / Sub-Haulers / Owner-Operators* to use your company logo or insignia on their trucks or clothes? YES NO
22. Not including discount plans, do you allow *Independent Contractors / Sub-Haulers / Owner-Operators* to utilize your company expense programs or credit cards? (i.e., including but not limited to: T-Chek; fleet cards; gas cards; etc.) YES NO
23. Do any *Independent Contractors / Sub-Haulers / Owner-Operators* work exclusively for you (i.e., only haul your loads at the exclusion of other clients)? YES NO
- If "Yes", please show the total annual Cost of Hire for such drivers here: \$_____.
24. Do any *Independent Contractors / Sub-Haulers / Owner-Operators* drive for you at least 10 months out of the year, and earn from you annual 'Cost of Hire' per truck of \$100,000 or more? YES NO
- If "Yes", please show the total annual Cost of Hire for such drivers here: \$_____.



25. Do you require *Independent Contractors / Sub-Haulers / Owner-Operators* to notify you or get your consent before they can hire other drivers for their operation to haul loads on your behalf? YES NO
26. Does your Sub-Haul contract/agreement with *Independent Contractors / Sub-Haulers / Owner-Operators* contain a multi-year duration (timeline) of service? YES NO
27. Do you require *Independent Contractors / Sub-Haulers / Owner-Operators* to follow **your company's** procedure manual, or **your company's** operating rules & requirements? YES NO
28. Do you control the order of deliveries, delivery times, hours worked, or routes to be driven by *Independent Contractors / Sub-Haulers / Owner-Operators* (hauling on your behalf)? YES NO
29. Are there contractual ramifications or consequences for *Independent Contractors / Sub-Haulers / Owner-Operators* that refuse or decline to haul a load for you? YES NO
30. Do you prevent or control *Independent Contractors / Sub-Haulers / Owner-Operators* from maintaining primary communication with the pick-up and drop-off locations/entities (i.e., by requiring the drivers to only communicate with your dispatcher)? YES NO
31. Do you accept responsibility for damaged and/or late deliveries on behalf of the *Independent Contractors / Sub-Haulers / Owner-Operators*? YES NO
32. Do you provide training to *Independent Contractors / Sub-Haulers / Owner-Operators* that you hire to haul loads on your behalf? YES NO
33. Do you perform truck inspections, drug tests, medical exams, or fitness evaluations on the drivers / vehicles of your *Independent Contractors / Sub-Haulers / Owner-Operators*? YES NO
34. Do you pay for any of the normal repair, maintenance or operating costs of the *Independent Contractors / Sub-Haulers / Owner-Operators that you hire*? YES NO



35. Do you provide assistance (administratively, financially or otherwise) to your *Independent Contractors / Sub-Haulers / Owner-Operators* in procuring or maintaining their licenses, permits, registrations or insurance needs? YES NO

36. Are there any cross-border (U.S./Mexico) *Independent Contractors / Sub-Haulers / Owner-Operators* (hauling on your behalf for U.S. loads) whom you pay directly, and the driver is not on the payroll of the out-of-country entity? YES NO

37. How do you pay the *Independent Contractors / Sub-Haulers / Owner-Operators* you hire?
 Cash Checks (paid to entity name) Checks (paid to driver by name)
 Money orders Direct Deposit Credit Advances Other _____

38. How often do you pay your *Independent Contractors / Sub-Haulers / Owner-Operators*?
 Per load (no schedule) Per mile (no schedule)
 Once per week (on a schedule) Twice per month (on a schedule)
 Once per month (on a schedule) Other _____

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 or Agent (Authorized Representative) Print Name & Title Date

 Company Name of Employer (Applicant)