

Reset Form

Print Form

# 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 to receive a quote for coverage; however, **the employer/applicant must sign this questionnaire 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	
<input type="checkbox"/> Broker	<input type="checkbox"/> Carrier	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Spouse & Spouse (incl. RDP)
<input type="checkbox"/> Freight Forwarder	<input type="checkbox"/> None	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company
		<input type="checkbox"/> Partnership	<input type="checkbox"/> Joint Venture

**Company operates as (check all that apply):**

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

Please Answer All Questions	
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:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Do you own trucks / vehicles?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.	<input type="checkbox"/> Yes <input type="checkbox"/> 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:	<input type="checkbox"/> Employer Location <input type="checkbox"/> Driver's Home <input type="checkbox"/> Other
6. Do you operate a location where freight is handled or stored? If yes, provide location:	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Does your business utilize temporary labor or leased labor? If Yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Do you have employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Do you hire any drivers whom you consider Independent Contractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Do you collect worker's compensation certificates from drivers whom you consider Independent Contractors? <b>(Copy of Certificate required)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Do you have a written contract with the drivers whom you consider Independent Contractors? <b>(Copy of written contract required)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> 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: \$	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	# of Drivers:
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***\*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? \$	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	# of Drivers:
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***\*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 drivers(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 #38 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 #38 and sign page 4.** (Please see page 5 for definitions)

**Please answer questions #15 through #38 only for *drivers* whom you do NOT consider employees but drive on your behalf. 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. Does driver(s) regularly contract with businesses other than your company?	<input type="checkbox"/>	<input type="checkbox"/>
16. Does your written contract with driver(s) specify payment amount, applicable rate of pay and due date for services performed?	<input type="checkbox"/>	<input type="checkbox"/>
17. Does driver(s) have their own active license (CA MCP/US DOT) and tax registration?	<input type="checkbox"/>	<input type="checkbox"/>
18. Does driver(s) customarily engage in an independently established business of the same nature of the work performed?	<input type="checkbox"/>	<input type="checkbox"/>
19. Can driver(s) contract with other businesses to provide the same or similar service as the work performed?	<input type="checkbox"/>	<input type="checkbox"/>
20. Does driver(s) advertise and hold themselves out to the public as available to provide the same or similar services?	<input type="checkbox"/>	<input type="checkbox"/>
21. Consistent to the nature of the work, does driver(s) provide their own vehicles and equipment to perform the services under contract?	<input type="checkbox"/>	<input type="checkbox"/>

22. Does driver(s) set their own rates?	<input type="checkbox"/>	<input type="checkbox"/>
23. Consistent with the nature of work, can driver(s) negotiate their own hours/work schedule?	<input type="checkbox"/>	<input type="checkbox"/>

<b>Please Answer All Questions</b>	<b>Yes</b>	<b>No</b>
24. Do you impose any restrictions on driver(s) as to whom, when and where they can perform their services for others, during or after their contract with you?	<input type="checkbox"/>	<input type="checkbox"/>
25. Do you require or allow driver(s) to use your company logo or insignia on their trucks or clothes?	<input type="checkbox"/>	<input type="checkbox"/>
26. Not including discount plans, do you allow driver(s) to utilize your company expense programs or credit cards? (i.e., including but not limited to: T-Chek, fleet cards, gas cards, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
27. Do you pay for any of the normal repair, maintenance or operating costs of the driver(s) who haul on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>
28. Do you provide assistance (administratively, financially or otherwise) to driver(s) in procuring or maintaining their own licenses, permits, registrations or insurance needs?	<input type="checkbox"/>	<input type="checkbox"/>
29. Do you require driver(s) to notify you or get your consent before they can hire other drivers to haul loads on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>
30. Does your contract/agreement with the driver(s) automatically renew or have no end date for services provided?	<input type="checkbox"/>	<input type="checkbox"/>
31. Do you require driver(s) to follow your company's procedure manual, or operating rules & requirements?	<input type="checkbox"/>	<input type="checkbox"/>
32. Do you control the order of deliveries, delivery times, hours worked, or routes driven by driver(s) hauling on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>
33. Are there contractual ramifications or consequences for driver(s) that refuse or decline to haul a load for you?	<input type="checkbox"/>	<input type="checkbox"/>
34. Do you limit or prohibit the driver(s) from maintaining direct communication with the pick-up/drop-off entity?	<input type="checkbox"/>	<input type="checkbox"/>
35. Do you accept responsibility for damaged and/or late deliveries on behalf of the driver(s)?	<input type="checkbox"/>	<input type="checkbox"/>
36. Do you provide training to driver(s) that you hire to haul loads on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>
37. Do you perform truck inspections on behalf of driver(s) who provide their own vehicles and haul on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>
38. Do you require drug tests, medical exams, or fitness evaluations of the driver(s) who haul on your behalf?	<input type="checkbox"/>	<input type="checkbox"/>

**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.**

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

\_\_\_\_\_  
**Print Name & Title**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Broker**

\_\_\_\_\_  
**Print Name & Title**

\_\_\_\_\_  
**Date**

**For your protection California law requires the following to appear on this form: Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.**

**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"> <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 “<u>employer-employee</u>” 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>

\* (“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.*