

**DECLARATION OF COMPLIANCE WITH LABOR CODE SECTION 2750.3 (AB 5)  
CONSTRUCTION TRUCKING SERVICES**

1. I am authorized to make this declaration on behalf of \_\_\_\_\_  
\_\_\_\_\_ (the “Company.”) I have personal knowledge of the matters set forth herein.

2. The Company is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.

3. The Company is in full compliance with Section 2750.3(f) of the California Labor Code. I have read the copy of Section 2750.3(f) which is included at the end of this declaration.

4. The Company has registered as a Public Works Contractor with the Department of Industrial Relations (“DIR”). Our DIR registration number is \_\_\_\_\_.

5. The Company complies with the requirement to utilize our own employees as follows (*check one and complete*):

The Company utilizes its own bona fide employees to perform construction trucking services. The following are the names of our current employees who operate trucks and vehicles (*attach list or printout if more space is needed*).

\_\_\_\_\_  
\_\_\_\_\_

The Company is a sole proprietorship. The Company’s owner (sole proprietor) operates his or her own truck to perform all of the services covered by this declaration and has a current valid motor carrier permit issued by the Department of Motor Vehicles. ***Attach copy of motor vehicle permit.***

6. The Company negotiated its contract directly with the customer (*insert name of the contractor receiving trucking services, i.e., your company*) \_\_\_\_\_  
\_\_\_\_\_ (“Contractor”).

7. The Company is being compensated directly by Contractor and not through a broker or other third party.

8. The Company has a direct written contract with Contractor. The Company has assumed financial responsibility for errors and omissions in labor and services it is providing, as evidenced by the fact that the Company’s written contract requires that it provide additional insured endorsements/certificates and indemnity in certain specified instances.

9. The Company has valid business licenses and tax registrations for the jurisdiction where the Company's business is located (domiciled), if the jurisdiction has a requirement for such licenses or registration. *Attach copies.*

10. Our business location is separate from the Contractor's business and work locations.

11. The Company has the authority to hire and fire other persons to provide or assist in providing services.

12. The Company customarily engages in an independently established business of the same nature as the work the Company will be performing for Contractor. Examples of similar work performed by the Company for others include (*list*):

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Signature and Verifications

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Printed Name

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Rosin Professional Corporation  
(650) 691-2888.

Labor Code Section 2750.3, subparagraph (f), enacted by AB 5, provides:

(f) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry, and instead the determination of whether the individual is an employee of the contractor shall be governed by Section 2750.5 and by *Borello*, if the contractor demonstrates that all the following criteria are satisfied:

- (1) The subcontract is in writing.
- (2) The subcontractor is licensed by the Contractors State License Board and the work is within the scope of that license.
- (3) If the subcontractor is domiciled in a jurisdiction that requires the subcontractor to have a business license or business tax registration, the subcontractor has the required business license or business tax registration.
- (4) The subcontractor maintains a business location that is separate from the business or work location of the contractor.
- (5) The subcontractor has the authority to hire and to fire other persons to provide or to assist in providing the services.
- (6) The subcontractor assumes financial responsibility for errors or omissions in labor or services as evidenced by insurance, legally authorized indemnity obligations, performance bonds, or warranties relating to the labor or services being provided.
- (7) The subcontractor is customarily engaged in an independently established business of the same nature as that involved in the work performed.

(8) (A) Paragraph (2) shall not apply to a subcontractor providing construction trucking services for which a contractor's license is not required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, provided that all of the following criteria are satisfied:

- (i) The subcontractor is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.
- (ii) For work performed after January 1, 2020, the subcontractor is registered with the Department of Industrial Relations as a public works contractor pursuant to Section 1725.5, regardless of whether the subcontract involves public work.
- (iii) The subcontractor utilizes its own employees to perform the construction trucking services, unless the subcontractor is a sole proprietor who operates their own truck to perform the entire subcontract and holds a valid motor carrier permit issued by the Department of Motor Vehicles.
- (iv) The subcontractor negotiates and contracts with, and is compensated directly by, the licensed contractor.

*Labor Code Section 2750.3, subparagraph (f), continued:*

(B) For work performed after January 1, 2020, any business entity that provides construction trucking services to a licensed contractor utilizing more than one truck shall be deemed the employer for all drivers of those trucks.

(C) For purposes of this paragraph, “construction trucking services” mean hauling and trucking services provided in the construction industry pursuant to a contract with a licensed contractor utilizing vehicles that require a commercial driver’s license to operate or have a gross vehicle weight rating of 26,001 or more pounds.

(D) This paragraph shall only apply to work performed before January 1, 2022.

(E) Nothing in this paragraph prohibits an individual who owns their truck from working as an employee of a trucking company and utilizing that truck in the scope of that employment. An individual employee providing their own truck for use by an employer trucking company shall be reimbursed by the trucking company for the reasonable expense incurred for the use of the employee owned truck.