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**SENATE BILL 5239**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Carlyle, Pedersen, Palumbo, and Mullet

AN ACT Relating to commercial transportation services freight deliverers; and amending RCW 48.177.005.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 48.177.005 and 2016 c 21 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial transportation services" or "services" means all times: (a) That the driver is logged in to a commercial transportation services provider's digital network or software application ((~~or~~)); (b) until the passenger has left the ((~~personal~~)) motor vehicle; or (c) until freight is delivered at the destination, whichever is later. The term does not include services provided either directly or under contract with a political subdivision or other entity exempt from federal income tax under 26 U.S.C. Sec. 115 of the federal internal revenue code.

(2) "Commercial transportation services provider" means a corporation, partnership, sole proprietorship, or other entity, operating in Washington, that uses a digital network or software application to ((~~connect passengers to drivers for the purpose of providing~~)) provide a prearranged ((~~ride~~)) commercial transportation service. However, a commercial transportation services provider is not a taxicab company under chapter 81.72 RCW, a charter party or excursion service carrier under chapter 81.70 RCW, an auto transportation company under chapter 81.68 RCW, a private, nonprofit transportation provider under chapter 81.66 RCW, a limousine carrier under chapter 46.72A RCW, or a commuter ride-sharing or flexible commuter ride-sharing arrangement under chapter 46.74 RCW. A commercial transportation services provider is not deemed to own, control, operate, or manage the ((~~personal~~)) motor vehicles used by commercial transportation services providers. A commercial transportation services provider does not include a political subdivision or other entity exempt from federal income tax under 26 U.S.C. Sec. 115 of the federal internal revenue code.

(3) "Commercial transportation services provider driver" or "driver" means an individual who uses a ((~~personal~~)) motor vehicle to provide services ((~~for passengers matched~~)) through a commercial transportation services provider's digital network or software application.

(4) "Commercial transportation services provider passenger" or "passenger" means a passenger in a ((~~personal~~)) motor vehicle for whom transport is provided, including:

(a) An individual who uses a commercial transportation services provider's digital network or software application to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or

(b) Anyone for whom another individual uses a commercial transportation services provider's digital network or software application to connect with a driver to obtain services in the driver's vehicle.

(5) "((~~Personal~~)) Motor vehicle" means a vehicle that is used by a commercial transportation services provider driver in connection with providing services for a commercial transportation services provider and that is authorized by the commercial transportation services provider.

(6) "Prearranged ((~~ride~~)) commercial transportation service" means ((~~a route~~)) the transportation of ((~~travel~~)) passengers or property between points chosen by the passenger or shipper and arranged with a driver through the use of a commercial transportation services provider's digital network or software application. The ((~~ride~~)) prearranged commercial transportation service begins when a driver accepts a ((~~requested ride~~)) dispatch through a digital network or software application, continues while the driver transports the passenger or property in a ((~~personal~~)) motor vehicle, and ends when the passenger departs from the ((~~personal~~)) motor vehicle or the property is tendered at delivery.

**--- END ---**