

SHB 2076 - H AMD TO H AMD (H-2790.2/22) **1152**

By Representative Berry

ADOPTED 02/23/2022

1 On page 1, line 29 of the striking amendment, after "(e)" insert
2 "Director" means the director of the department of labor and
3 industries.

4 (f)"

5

6 Re-letter the remaining subsections consecutively and correct any
7 internal references accordingly.

8

9 On page 2, line 15 of the striking amendment, after "48," strike
10 "50,"

11

12 On page 6, line 38 of the striking amendment, after "per mile
13 rate" insert "or per trip rate"

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15 On page 7, line 6 of the striking amendment, after "per mile rate"
16 insert "or per trip rate"

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18 On page 10, beginning on line 10 of the striking amendment, after
19 "interest" strike all material through "costs" on line 27 and insert
20 "provided in section 4 of this act"

21

22 On page 17, line 16 of the striking amendment, after
23 "requirements" insert "of section 1 of this act"

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25 On page 17, line 22 of the striking amendment, after "requirements
26 of" strike "this subsection" and insert "section 1 of this act"

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1 On page 17, line 34 of the striking amendment, after "under"
2 insert "subsection (12) of"

3
4 On page 36, line 34 of the striking amendment, after "of" insert
5 "section 1 of"

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7 On page 42, line 11 of the striking amendment, after "its premium"
8 strike "thereon" and insert "based on the total passenger platform
9 time and dispatch platform time"

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11 On page 44, line 34 of the striking amendment, after "(3)" insert
12 "'Director" means the director of the department of licensing.

13 (4)"

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15 Renumber the remaining subsections consecutively and correct any
16 internal references accordingly.

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18 On page 50, beginning on line 32 of the striking amendment, after
19 "drivers." strike all material through "section" on page 52, line 32
20 and insert "No county, city, town, or other municipal corporation may
21 regulate transportation network companies or drivers, or impose any
22 tax, fee, or other charge, on a transportation network company or
23 driver.

24 (2)(a)(i) Except as provided in (b) and (c) of this subsection, a
25 local ordinance or regulation existing on or before January 1, 2022,
26 that imposes a tax, fee, or surcharge on a transportation network
27 company or driver remains in effect at the rate that exists on or
28 before January 1, 2022. The county, city, town, or other municipal
29 corporation may continue to collect that tax, fee, or surcharge, but
30 may not increase the amount of that tax, fee, or surcharge, and may
31 not impose any higher or new taxes, fees, or surcharges.

32 (ii) Nothing in this section shall be construed to preempt any of
33 the following taxes that are generally applicable:

34 (A) Business tax;

- 1 (B) Sales and use tax,
- 2 (C) Excise tax, or
- 3 (D) Property tax.

4 (iii) This subsection (2)(a) shall apply retroactively and shall
5 preempt any increase in the amount of an existing tax, fee, or
6 surcharge not preempted pursuant to this subsection (2)(a), or the
7 imposition of any higher or new taxes, fees, or surcharges which
8 occurs between January 2, 2022 and the effective date of this act.

9 (b) Notwithstanding (a) of this subsection, beginning on January
10 1, 2023, any local ordinance or regulation existing on or before the
11 effective date of this section that imposed a per trip tax, fee, or
12 surcharge for which, at the time the ordinance became effective, the
13 proceeds were to be used in part to fund a driver conflict resolution
14 center, shall be reduced by \$0.15. The county, city, town, or other
15 municipal corporation may continue to collect that tax, fee, or
16 surcharge, but only at the reduced rate and may not increase the
17 amount of that tax, fee, or surcharge, and may not impose any higher
18 or new taxes, fees, or surcharges.

19 (c) Notwithstanding (a) of this subsection, any per ride fee
20 imposed by a local ordinance exempted from preemption under subsection
21 (3)(a) of this section, the proceeds of which are used to offset
22 expenses of enforcing the ordinance, may be adjusted under the
23 following provisions:

24 (i) The city or county demonstrates to the satisfaction of the
25 department that the revenues from the existing per ride fee amount are
26 insufficient to offset the city's or county's cost from enforcement
27 and regulation;

28 (ii) The total amount expected to be collected under the increased
29 amount will not exceed the city or county's total expected costs; and

30 (iii) The department has not authorized an increase in the per
31 ride fee in the last two fiscal years.

32 (3)(a) A local ordinance or regulation in a city with a population
33 of more than six hundred thousand or a county with a population of
34 more than two million, and that existed on or before January 1, 2022,

1 that defined and regulated licensing for transportation network
2 companies and permits for drivers, or the requirements for and
3 processing of applications, certifications, examinations, and
4 background checks for drivers and personal vehicles, remains in effect
5 as the requirements exist on the effective date of this section. The
6 county or city may continue to enforce the ordinance or regulation but
7 may not alter, amend, or implement changes to the ordinance or
8 regulation, or requirements under it, after January 1, 2022, except if
9 such alteration, amendment, or implementation conforms with the
10 requirements of this chapter. This subsection shall apply
11 retroactively to any alteration, amendment, or implementation which
12 occurs between March 10, 2022, and the effective date of this section.

13 (b) Notwithstanding subsection (1) of this section, a local
14 ordinance or regulation in a city with a population of more than six
15 hundred thousand or a county with a population of more than two
16 million, and that existed before January 1, 2022, that is related to
17 requirements covered by sections 1 and 6 through 13 of this act are
18 preempted as of January 1, 2023. The city may continue to enforce the
19 local ordinance or regulation between the effective date of this
20 section and January 1, 2023, but may not alter, amend, or implement
21 changes to the ordinance or regulation, or requirements under it,
22 after January 1, 2022, except if such alteration, or amendment, or
23 implementation conforms with the requirements of this act. This
24 paragraph shall apply retroactively to any alteration, amendment, or
25 implementation which occurs between March 10, 2022, and the effective
26 date of this section"

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28 On page 58, beginning on line 23 of the striking amendment, strike
29 all of subsection (3)

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EFFECT: (1) Removes the reference to Title 50 RCW from the
definition of "driver" (thus, the factors determining whether a

driver is an employee do not apply for the purposes of unemployment insurance).

(2) Specifies that generally applicable B&O, sales, excise, and property taxes are not preempted.

(3) Provides that the .15 cent reduction of a per trip fee imposed by a non-preempted local ordinance begins January 1, 2023.

(4) Amends the conditions under which a non-preempted local ordinance's per ride fee imposed to offset the city's or county's enforcement costs may be adjusted.

(5) Specifies that workers' compensation premiums are based on total passenger platform time and dispatch platform time.

(6) Removes the delayed effective date for provisions related to the Department of Labor and Industries' enforcement.

(7) Makes numerous technical and clarifying corrections, such as correcting cross-references, adding definitions of "Director," adding references to "per trip" that were inadvertently omitted, and deleting duplicative subsections related to penalties and interest in the enforcement provisions.

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