
SUBSTITUTE SENATE BILL 5620

State of Washington

65th Legislature

2017 Regular Session

By Senate Transportation (originally sponsored by Senators King, Hobbs, Fain, Mullet, and Palumbo)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to transportation network companies; amending RCW
2 48.177.010, 51.12.020, 46.72.010, 46.74.020, and 50.04.100;
3 reenacting and amending RCW 42.56.270 and 43.79A.040; adding a new
4 chapter to Title 46 RCW; recodifying RCW 48.177.010; and repealing
5 RCW 48.177.005.

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

7 NEW SECTION. **Sec. 1.** The purpose of this chapter is to: Provide
8 statewide uniform regulation for transportation network companies
9 within the state of Washington, encourage technological innovation,
10 and preserve and enhance access to important transportation options
11 for residents and visitors to Washington state.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise.

15 (1) "Digital network" means any online-enabled technology
16 application service, web site, or system offered or utilized by a
17 transportation network company that enables the prearrangement of
18 rides with transportation network company drivers.

19 (2) "Municipality" means a city or town with a certificate of
20 incorporation, or township created by an act of the state.

1 (3) "Prearranged ride" means the provision of transportation or a
2 trip by a transportation network company driver to a transportation
3 network company rider, beginning when a transportation network
4 company driver accepts a ride requested by a transportation network
5 company rider through a digital network controlled by a
6 transportation network company, continuing while the transportation
7 network company driver transports the transportation network company
8 rider, and ending when the last transportation network company rider
9 departs from the transportation network company vehicle. "Prearranged
10 ride" does not include: (a) Transportation provided by a taxi,
11 limousine, motor carrier as defined in RCW 81.80.010, or other for
12 hire vehicle or pursuant to chapter 46.72, 46.73, or 81.72 RCW; or
13 (b) a shared expense carpool or vanpool arrangement or service as
14 defined as ride sharing in RCW 46.74.010.

15 (4) "Transportation network company" means a corporation,
16 partnership, sole proprietorship, or other entity that is licensed
17 under this chapter and operating in Washington state and uses a
18 digital network to connect transportation network company riders to
19 transportation network company drivers who provide prearranged rides.
20 A transportation network company is not deemed to control, direct, or
21 manage the transportation network company vehicles or transportation
22 network company drivers that connect to its digital network, except
23 when agreed to by written contract. "Transportation network company"
24 does not include a for hire transportation service or taxicab
25 transportation service provided under chapter 46.72 or 81.72 RCW.

26 (5) "Transportation network company driver" means an individual
27 who:

28 (a) Receives connections to potential transportation network
29 company riders and related services from a transportation network
30 company; and

31 (b) Uses a transportation network company vehicle to offer or
32 provide a prearranged ride to transportation network company riders
33 upon connection through a digital network controlled by a
34 transportation network company in exchange for compensation or
35 payment of a fee.

36 (6) "Transportation network company rider" means an individual or
37 persons who use a transportation network company's digital network to
38 connect with a transportation network company driver who provides
39 prearranged rides to the rider in the transportation network company

1 driver's transportation network company vehicle between points chosen
2 by the rider.

3 (7) "Transportation network company services" means services
4 provided by a transportation network company driver at any time that
5 a transportation network company driver is logged in to a
6 transportation network company's digital network or providing a
7 prearranged ride. "Transportation network company services" does not
8 include services provided either directly or under contract with a
9 political subdivision or other entity exempt from federal income tax
10 under 26 U.S.C. Sec. 115 of the federal internal revenue code.

11 (8) "Transportation network company vehicle" means a vehicle that
12 is:

13 (a) Used by a transportation network company driver to provide a
14 prearranged ride;

15 (b) Owned, leased, or otherwise authorized for use by the
16 transportation network company driver; and

17 (c) Not a taxicab, limousine, commuter ride-sharing vehicle, or
18 for hire vehicle for purposes of chapter 46.72, 46.72A, 46.73, 46.74,
19 46.76, or 81.72 RCW.

20 NEW SECTION. **Sec. 3.** A transportation network company or
21 transportation network company driver is not a common carrier, motor
22 carrier, or any other carrier as defined in RCW 81.80.010, and does
23 not provide commuter ride sharing, taxicab, or for hire vehicle
24 services pursuant to chapter 46.72, 46.73, or 81.72 RCW. A
25 transportation network company driver is not required to register a
26 transportation network company vehicle used to provide prearranged
27 rides as a commercial vehicle or for hire vehicle.

28 NEW SECTION. **Sec. 4.** (1) A person must first obtain a permit
29 from the department to operate a transportation network company in
30 Washington state, except that any transportation network company
31 operating in the state before the effective date of this section may
32 continue operating until the department creates a permit process and
33 sets a registration deadline.

34 (2) The department must annually issue a permit to each applicant
35 that meets the requirements for a transportation network company as
36 set forth in this chapter and pays an annual permit fee of five
37 thousand dollars to the department.

1 NEW SECTION. **Sec. 5.** Any transportation network company
2 operating in Washington state must maintain an agent for service of
3 process in the state.

4 NEW SECTION. **Sec. 6.** (1) On behalf of a transportation network
5 company driver, a transportation network company may charge a fare
6 for transportation network company services provided to any
7 transportation network company rider, but must disclose to the rider
8 the fare or fare calculation method on its web site or within its
9 digital network. Before a rider enters a transportation network
10 company vehicle, the transportation network company must provide, on
11 behalf of the transportation network company driver, either the fare
12 for the prearranged ride or the option to receive an estimated fare
13 for the prearranged ride.

14 (2) During a state of emergency, as declared by the governor or
15 the president of the United States, a transportation network company
16 may not charge a fare for transportation network company services
17 provided to any transportation network company rider that exceeds two
18 and one-half times the base fare.

19 NEW SECTION. **Sec. 7.** A transportation network company's digital
20 network or web site must display a photograph of the transportation
21 network company driver and the license plate number of the
22 transportation network company vehicle before the transportation
23 network company rider enters the vehicle.

24 NEW SECTION. **Sec. 8.** Within a reasonable period of time
25 following the completion of a trip, a transportation network company
26 must transmit an electronic receipt to the transportation network
27 company rider on behalf of the transportation network company driver
28 that lists:

- 29 (1) The origin and destination of the trip;
30 (2) The total time and distance of the trip; and
31 (3) An itemization of the total fare paid, if any.

32 NEW SECTION. **Sec. 9.** A transportation network company driver is
33 an independent contractor and not an employee of the transportation
34 network company if all of the following conditions are met:

- 35 (1) The transportation network company does not unilaterally
36 prescribe specific hours during which a transportation network

1 company driver must be logged in to the transportation network
2 company's digital network;

3 (2) The transportation network company imposes no restrictions on
4 the transportation network company driver's ability to utilize a
5 digital network from any other transportation network company;

6 (3) The transportation network company does not restrict a
7 transportation network company driver from engaging in any other
8 occupation or business; and

9 (4) The transportation network company and transportation network
10 company driver agree in writing that the transportation network
11 company driver is an independent contractor with respect to the
12 transportation network company.

13 NEW SECTION. **Sec. 10.** (1) A transportation network company must
14 implement a zero tolerance policy regarding a transportation network
15 company driver's activities while accessing the transportation
16 network company's digital network. The zero tolerance policy must
17 address the use of drugs or alcohol while a transportation network
18 company driver is providing prearranged rides or is logged in to the
19 transportation network company's digital network but is not providing
20 prearranged rides.

21 (2) A transportation network company must provide notice of this
22 policy on its web site, as well as procedures to report a complaint
23 about a transportation network company driver with whom a
24 transportation network company rider was matched and whom the rider
25 reasonably suspects was under the influence of drugs or alcohol
26 during the course of the trip.

27 (3) Upon receipt of a complaint alleging a violation of the zero
28 tolerance policy, the transportation network company must suspend the
29 transportation network company driver's ability to accept trip
30 requests through the transportation network company's digital network
31 as soon as possible and conduct an investigation into the reported
32 incident. The suspension must last the duration of the investigation.
33 If the transportation network company determines that the
34 transportation network company driver violated the zero tolerance
35 policy, the transportation network company must take appropriate
36 action against the driver, including, at a minimum, suspending the
37 driver from the transportation network company's digital network
38 until the transportation network company determines that the driver
39 is compliant with the zero tolerance policy.

1 (4) A transportation network company must maintain records
2 relevant to the enforcement of the policy under this section for a
3 period of at least two years from the date that a transportation
4 network company rider complaint is received by the transportation
5 network company.

6 NEW SECTION. **Sec. 11.** (1) Before allowing an individual to
7 accept trip requests as a transportation network company driver
8 through a transportation network company's digital network:

9 (a) The individual must submit an application to the
10 transportation network company, which includes information regarding
11 his or her name, address, phone, age, driver's license number, motor
12 vehicle registration, automobile liability insurance, and other
13 information required by the transportation network company;

14 (b) The transportation network company, or a designated third
15 party on behalf of the transportation network company, that is either
16 nationally accredited or approved by the director, must conduct an
17 annual local and national criminal background check for the applicant
18 to include a review of:

19 (i) A multistate/multijurisdiction criminal records locator or
20 other similar commercial nationwide database with validation (primary
21 source search); and

22 (ii) The United States department of justice national sex
23 offender public web site; and

24 (c) The transportation network company, or designated third
25 party, must obtain and review a driving history research report for
26 the individual.

27 (2) A transportation network company must not permit an
28 individual to act as a transportation network company driver on its
29 digital network who:

30 (a) Has had more than three moving violations in the prior three-
31 year period, or one of the following major violations in the prior
32 three-year period:

33 (i) Attempting to elude the police pursuant to RCW 46.61.024;

34 (ii) Reckless driving pursuant to RCW 46.61.500; or

35 (iii) Driving on a suspended or revoked driver's license pursuant
36 to RCW 46.20.342 or 46.20.345;

37 (b) Has been convicted, within the past seven years, of:

38 (i) Any class A or B felony, as defined in Title 9A RCW;

- 1 (ii) Any violent offense as defined in RCW 9.94A.030, or serious
2 violent offense defined in RCW 9.94A.030;
- 3 (iii) Any most serious offense as defined in RCW 9.94A.030;
- 4 (iv) Any sex offense as defined in RCW 9.94A.030; or
- 5 (v) Driving under the influence, hit and run, or any other
6 driving-related crime pursuant to RCW 46.61.500 through 46.61.540;
- 7 (c) Is a match in the United States department of justice
8 national sex offender public web site;
- 9 (d) Does not possess a valid driver's license;
- 10 (e) Does not possess proof of automobile liability insurance for
11 the motor vehicle or vehicles used to provide prearranged rides;
- 12 (f) Is not at least twenty years of age; or
- 13 (g) Has not self-certified that he or she is physically and
14 mentally fit to be a transportation network company driver.
- 15 (3) Subsection (2)(a) and (b) of this section apply to any
16 conviction of any offense committed in another jurisdiction that
17 includes all of the elements of any of the offenses described or
18 defined in subsection (2)(a) and (b) of this section.

19 NEW SECTION. **Sec. 12.** (1) A transportation network company must
20 require that any motor vehicle that a transportation network company
21 driver will use to provide prearranged rides:

- 22 (a) Is not more than twelve years old as determined by the model
23 year of the vehicle;
- 24 (b) Meets the emissions requirements for motor vehicles; and
- 25 (c) Has received a safety inspection by a third party in the last
26 year that includes the following components:
- 27 (i) Foot brakes;
- 28 (ii) Parking brakes;
- 29 (iii) Steering mechanism;
- 30 (iv) Windshield;
- 31 (v) Rear window and other glass;
- 32 (vi) Windshield wipers;
- 33 (vii) All exterior lights, including headlights, taillights,
34 brake lights, turn indicator lights, and hazard lights;
- 35 (viii) Interior dome light;
- 36 (ix) Heating and cooling;
- 37 (x) Front seat adjustment mechanism;
- 38 (xi) Doors (open, close, lock);
- 39 (xii) Horn;

- 1 (xiii) Instrument panel and gauges;
- 2 (xiv) Bumpers;
- 3 (xv) Muffler and exhaust system;
- 4 (xvi) Condition of tires, including tread depth;
- 5 (xvii) Interior and exterior mirrors; and
- 6 (xiii) Safety belts for driver and passenger(s).

7 (2) All transportation network company vehicles must display
8 trade dress that is visible to the rider when outside the vehicle
9 when providing transportation network company services.

10 (3) A transportation network company must inform a transportation
11 network company driver of the driver's responsibility to comply with
12 all applicable safety recalls issued by a vehicle manufacturer or the
13 national highway traffic safety administration for each motor vehicle
14 the driver will use to provide prearranged rides.

15 NEW SECTION. **Sec. 13.** A transportation network company driver
16 may not:

17 (1) Solicit or accept a trip other than a trip arranged through
18 the transportation network company's digital network;

19 (2) Provide transportation network company services for more than
20 fourteen consecutive hours in a twenty-four hour period; or

21 (3) Allow any other individual to use that driver's access to a
22 transportation network company's digital network.

23 NEW SECTION. **Sec. 14.** (1) A transportation network company must
24 adopt a policy of nondiscrimination on the basis of destination,
25 race, color, national origin, religious belief or affiliation, sex,
26 disability, age, sexual orientation, or gender identity with respect
27 to transportation network company riders and potential riders and
28 notify transportation network company drivers of such policy.

29 (2) A transportation network company driver must comply with all
30 applicable laws regarding nondiscrimination against transportation
31 network company riders or potential riders on the basis of race,
32 color, national origin, religious belief or affiliation, sex,
33 disability, age, sexual orientation, or gender identity.

34 (3) A transportation network company driver must comply with all
35 applicable laws relating to the transportation of service animals.

36 (4) A transportation network company may not impose additional
37 charges for providing services to persons with disabilities because
38 of those disabilities.

1 NEW SECTION. **Sec. 15.** A transportation network company must
2 maintain the following records:

3 (1) Individual trip records for at least three years from the end
4 of the calendar year in which each trip was provided; and

5 (2) Individual records of transportation network company drivers
6 at least until the end of the calendar year marking the three-year
7 anniversary of the date on which a transportation network company
8 driver's relationship with the transportation network company has
9 ended.

10 NEW SECTION. **Sec. 16.** (1) For the sole purpose of verifying
11 that a transportation network company is in compliance with the
12 requirements of this chapter and no more than biannually, the
13 department, or the local authority for a city with a population of
14 more than five hundred thousand or a county with a population of more
15 than one million, may review a sample of records that the
16 transportation network company is required to maintain under this
17 chapter. The sample of records must be chosen randomly by the
18 department or local authority in a manner agreeable to both parties.
19 Any audit must take place at a mutually agreed location in the state
20 of Washington. Any record sample furnished to the department or local
21 authority may exclude information that would tend to identify
22 specific transportation network company drivers or riders.

23 (2) Any records inspected under this chapter are designated
24 confidential and are not subject to disclosure to a third party by
25 the department or local authority without prior written consent of
26 the transportation network company.

27 NEW SECTION. **Sec. 17.** (1) Each prearranged ride provided by a
28 transportation network company driver to a transportation network
29 company rider while on the transportation network company's digital
30 network must be assessed a ten-cent per trip passenger surcharge fee
31 to cover the costs of enforcement and regulation of state
32 transportation network company licensing and to be distributed to
33 local political divisions of the state.

34 (2) Using geographic information system data, a transportation
35 network company must determine whether each prearranged ride
36 originated within the incorporated boundaries of a municipality, or
37 outside of the incorporated boundaries of a municipality and within
38 the boundaries of a county of this state.

1 (3) Within thirty days of the end of each calendar quarter, a
2 transportation network company must submit to the department:

3 (a) The total amount of passenger surcharge fees collected by a
4 transportation network company on behalf of transportation network
5 company drivers; and

6 (b) For trips that originated in a municipality or unincorporated
7 county, a report listing the percentage of the yearly total amount of
8 passenger surcharge fees from trips that originated in each
9 municipality or unincorporated county during the reporting period.

10 (4) The department must retain such amount of the passenger
11 surcharge fee collected under subsection (3)(a) of this section as is
12 necessary to cover the expenses borne by the department derived from
13 the: (a) Regulation and registration of transportation network
14 companies; and (b) the collection, remittance, and distribution of
15 passenger surcharge fees under this section. The department must
16 deposit these funds in the transportation network company account
17 created in section 20 of this act.

18 (5) Within sixty days of the end of each calendar quarter, the
19 department must distribute the remaining portion of the total
20 passenger surcharge fees collected under subsection (3)(a) of this
21 section less the amount retained under subsection (4) of this section
22 to each municipality or county where a trip originated during the
23 reporting period. The distribution to each municipality or county
24 must be proportionate to the percentage of the yearly total amount of
25 surcharge fees that originated in each municipality or county. The
26 funds collected by each municipality or county under this subsection
27 may be used to fund enforcement activities by the municipalities and
28 counties relating to this chapter.

29 NEW SECTION. **Sec. 18.** (1) In addition to the surcharge fee
30 assessed under section 17 of this act, each prearranged ride provided
31 by a transportation network company driver to a transportation
32 network company rider that originates in a city with a population of
33 five hundred thousand or more or in a county with a population of one
34 million or more must be assessed a ten cent per trip surcharge fee to
35 offset costs associated with improving transportation options for
36 individuals with disabilities.

37 (2) The surcharge fee assessed under subsection (1) of this
38 section may be used to provide for, but is not limited to,
39 reimbursement for: Costs associated with converting or purchasing a

1 vehicle to be used as a taxicab or transportation network company
2 vehicle that is fully wheelchair accessible by ramp or lift; costs
3 for a transportation network company, taxicab company, or other for
4 hire vehicle company to provide wheelchair-accessible vehicle rides
5 to customers when the cost to provide the ride exceeds the cost
6 charged to the customer; or extra fuel and maintenance costs.

7 (3) The surcharge fee assessed under subsection (1) of this
8 section must be remitted directly to each applicable city and county
9 within thirty days of the end of each calendar quarter.

10 **Sec. 19.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s
11 1, and 2016 c 178 s 1 are each reenacted and amended to read as
12 follows:

13 The following financial, commercial, and proprietary information
14 is exempt from disclosure under this chapter:

15 (1) Valuable formulae, designs, drawings, computer source code or
16 object code, and research data obtained by any agency within five
17 years of the request for disclosure when disclosure would produce
18 private gain and public loss;

19 (2) Financial information supplied by or on behalf of a person,
20 firm, or corporation for the purpose of qualifying to submit a bid or
21 proposal for (a) a ferry system construction or repair contract as
22 required by RCW 47.60.680 through 47.60.750 or (b) highway
23 construction or improvement as required by RCW 47.28.070;

24 (3) Financial and commercial information and records supplied by
25 private persons pertaining to export services provided under chapters
26 43.163 and 53.31 RCW, and by persons pertaining to export projects
27 under RCW 43.23.035;

28 (4) Financial and commercial information and records supplied by
29 businesses or individuals during application for loans or program
30 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
31 43.168 RCW, or during application for economic development loans or
32 program services provided by any local agency;

33 (5) Financial information, business plans, examination reports,
34 and any information produced or obtained in evaluating or examining a
35 business and industrial development corporation organized or seeking
36 certification under chapter 31.24 RCW;

37 (6) Financial and commercial information supplied to the state
38 investment board by any person when the information relates to the
39 investment of public trust or retirement funds and when disclosure

1 would result in loss to such funds or in private loss to the
2 providers of this information;

3 (7) Financial and valuable trade information under RCW 51.36.120;

4 (8) Financial, commercial, operations, and technical and research
5 information and data submitted to or obtained by the clean Washington
6 center in applications for, or delivery of, program services under
7 chapter 70.95H RCW;

8 (9) Financial and commercial information requested by the public
9 stadium authority from any person or organization that leases or uses
10 the stadium and exhibition center as defined in RCW 36.102.010;

11 (10)(a) Financial information, including but not limited to
12 account numbers and values, and other identification numbers supplied
13 by or on behalf of a person, firm, corporation, limited liability
14 company, partnership, or other entity related to an application for a
15 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
16 marijuana producer, processor, or retailer license, liquor license,
17 gambling license, or lottery retail license;

18 (b) Internal control documents, independent auditors' reports and
19 financial statements, and supporting documents: (i) Of house-banked
20 social card game licensees required by the gambling commission
21 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
22 by tribes with an approved tribal/state compact for class III gaming;

23 (11) Proprietary data, trade secrets, or other information that
24 relates to: (a) A vendor's unique methods of conducting business; (b)
25 data unique to the product or services of the vendor; or (c)
26 determining prices or rates to be charged for services, submitted by
27 any vendor to the department of social and health services for
28 purposes of the development, acquisition, or implementation of state
29 purchased health care as defined in RCW 41.05.011;

30 (12)(a) When supplied to and in the records of the department of
31 commerce:

32 (i) Financial and proprietary information collected from any
33 person and provided to the department of commerce pursuant to RCW
34 43.330.050(8); and

35 (ii) Financial or proprietary information collected from any
36 person and provided to the department of commerce or the office of
37 the governor in connection with the siting, recruitment, expansion,
38 retention, or relocation of that person's business and until a siting
39 decision is made, identifying information of any person supplying

1 information under this subsection and the locations being considered
2 for siting, relocation, or expansion of a business;

3 (b) When developed by the department of commerce based on
4 information as described in (a)(i) of this subsection, any work
5 product is not exempt from disclosure;

6 (c) For the purposes of this subsection, "siting decision" means
7 the decision to acquire or not to acquire a site;

8 (d) If there is no written contact for a period of sixty days to
9 the department of commerce from a person connected with siting,
10 recruitment, expansion, retention, or relocation of that person's
11 business, information described in (a)(ii) of this subsection will be
12 available to the public under this chapter;

13 (13) Financial and proprietary information submitted to or
14 obtained by the department of ecology or the authority created under
15 chapter 70.95N RCW to implement chapter 70.95N RCW;

16 (14) Financial, commercial, operations, and technical and
17 research information and data submitted to or obtained by the life
18 sciences discovery fund authority in applications for, or delivery
19 of, grants under chapter 43.350 RCW, to the extent that such
20 information, if revealed, would reasonably be expected to result in
21 private loss to the providers of this information;

22 (15) Financial and commercial information provided as evidence to
23 the department of licensing as required by RCW 19.112.110 or
24 19.112.120, except information disclosed in aggregate form that does
25 not permit the identification of information related to individual
26 fuel licensees;

27 (16) Any production records, mineral assessments, and trade
28 secrets submitted by a permit holder, mine operator, or landowner to
29 the department of natural resources under RCW 78.44.085;

30 (17)(a) Farm plans developed by conservation districts, unless
31 permission to release the farm plan is granted by the landowner or
32 operator who requested the plan, or the farm plan is used for the
33 application or issuance of a permit;

34 (b) Farm plans developed under chapter 90.48 RCW and not under
35 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
36 to RCW 42.56.610 and 90.64.190;

37 (18) Financial, commercial, operations, and technical and
38 research information and data submitted to or obtained by a health
39 sciences and services authority in applications for, or delivery of,
40 grants under RCW 35.104.010 through 35.104.060, to the extent that

1 such information, if revealed, would reasonably be expected to result
2 in private loss to providers of this information;

3 (19) Information gathered under chapter 19.85 RCW or RCW
4 34.05.328 that can be identified to a particular business;

5 (20) Financial and commercial information submitted to or
6 obtained by the University of Washington, other than information the
7 university is required to disclose under RCW 28B.20.150, when the
8 information relates to investments in private funds, to the extent
9 that such information, if revealed, would reasonably be expected to
10 result in loss to the University of Washington consolidated endowment
11 fund or to result in private loss to the providers of this
12 information;

13 (21) Market share data submitted by a manufacturer under RCW
14 70.95N.190(4);

15 (22) Financial information supplied to the department of
16 financial institutions or to a portal under RCW 21.20.883, when filed
17 by or on behalf of an issuer of securities for the purpose of
18 obtaining the exemption from state securities registration for small
19 securities offerings provided under RCW 21.20.880 or when filed by or
20 on behalf of an investor for the purpose of purchasing such
21 securities;

22 (23) Unaggregated or individual notices of a transfer of crude
23 oil that is financial, proprietary, or commercial information,
24 submitted to the department of ecology pursuant to RCW
25 90.56.565(1)(a), and that is in the possession of the department of
26 ecology or any entity with which the department of ecology has shared
27 the notice pursuant to RCW 90.56.565;

28 (24) Financial institution and retirement account information,
29 and building security plan information, supplied to the liquor and
30 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
31 69.50.345, when filed by or on behalf of a licensee or prospective
32 licensee for the purpose of obtaining, maintaining, or renewing a
33 license to produce, process, transport, or sell marijuana as allowed
34 under chapter 69.50 RCW; ((and))

35 (25) Marijuana transport information, vehicle and driver
36 identification data, and account numbers or unique access identifiers
37 issued to private entities for traceability system access, submitted
38 by an individual or business to the liquor and cannabis board under
39 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
40 69.50.345 for the purpose of marijuana product traceability.

1 Disclosure to local, state, and federal officials is not considered
2 public disclosure for purposes of this section; ~~((and))~~

3 (26) Financial and commercial information submitted to or
4 obtained by the retirement board of any city that is responsible for
5 the management of an employees' retirement system pursuant to the
6 authority of chapter 35.39 RCW, when the information relates to
7 investments in private funds, to the extent that such information, if
8 revealed, would reasonably be expected to result in loss to the
9 retirement fund or to result in private loss to the providers of this
10 information except that (a) the names and commitment amounts of the
11 private funds in which retirement funds are invested and (b) the
12 aggregate quarterly performance results for a retirement fund's
13 portfolio of investments in such funds are subject to disclosure;
14 ~~((and))~~

15 (27) Proprietary financial, commercial, operations, and technical
16 and research information and data submitted to or obtained by the
17 liquor and cannabis board in applications for marijuana research
18 licenses under RCW 69.50.372, or in reports submitted by marijuana
19 research licensees in accordance with rules adopted by the liquor and
20 cannabis board under RCW 69.50.372; and

21 (28) Any records, including proprietary financial, commercial,
22 operations, and personal information and data submitted to or
23 obtained by the department of licensing or any municipality or county
24 under chapter 46.--- RCW (the new chapter created in section 30 of
25 this act).

26 NEW SECTION. **Sec. 20.** The transportation network company
27 account is created in the custody of the state treasurer. All
28 receipts from section 17(4) of this act must be deposited into the
29 account. Expenditures from the account may be used only for the
30 purposes provided in section 17(4) of this act. Only the director or
31 the director's designee may authorize expenditures from the account.
32 The account is subject to allotment procedures under chapter 43.88
33 RCW, but an appropriation is not required for expenditures.

34 **Sec. 21.** RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10,
35 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to
36 read as follows:

37 (1) Money in the treasurer's trust fund may be deposited,
38 invested, and reinvested by the state treasurer in accordance with

1 RCW 43.84.080 in the same manner and to the same extent as if the
2 money were in the state treasury, and may be commingled with moneys
3 in the state treasury for cash management and cash balance purposes.

4 (2) All income received from investment of the treasurer's trust
5 fund must be set aside in an account in the treasury trust fund to be
6 known as the investment income account.

7 (3) The investment income account may be utilized for the payment
8 of purchased banking services on behalf of treasurer's trust funds
9 including, but not limited to, depository, safekeeping, and
10 disbursement functions for the state treasurer or affected state
11 agencies. The investment income account is subject in all respects to
12 chapter 43.88 RCW, but no appropriation is required for payments to
13 financial institutions. Payments must occur prior to distribution of
14 earnings set forth in subsection (4) of this section.

15 (4)(a) Monthly, the state treasurer must distribute the earnings
16 credited to the investment income account to the state general fund
17 except under (b), (c), and (d) of this subsection.

18 (b) The following accounts and funds must receive their
19 proportionate share of earnings based upon each account's or fund's
20 average daily balance for the period: The 24/7 sobriety account, the
21 Washington promise scholarship account, the Washington advanced
22 college tuition payment program account, the Washington college
23 savings program account, the accessible communities account, the
24 Washington achieving a better life experience program account, the
25 community and technical college innovation account, the agricultural
26 local fund, the American Indian scholarship endowment fund, the
27 foster care scholarship endowment fund, the foster care endowed
28 scholarship trust fund, the contract harvesting revolving account,
29 the Washington state combined fund drive account, the commemorative
30 works account, the county enhanced 911 excise tax account, the toll
31 collection account, the developmental disabilities endowment trust
32 fund, the energy account, the fair fund, the family leave insurance
33 account, the food animal veterinarian conditional scholarship
34 account, the fruit and vegetable inspection account, the future
35 teachers conditional scholarship account, the game farm alternative
36 account, the GET ready for math and science scholarship account, the
37 Washington global health technologies and product development
38 account, the grain inspection revolving fund, the industrial
39 insurance rainy day fund, the juvenile accountability incentive
40 account, the law enforcement officers' and firefighters' plan 2

1 expense fund, the local tourism promotion account, the multiagency
2 permitting team account, the pilotage account, the produce railcar
3 pool account, the regional transportation investment district
4 account, the rural rehabilitation account, the Washington sexual
5 assault kit account, the stadium and exhibition center account, the
6 youth athletic facility account, the self-insurance revolving fund,
7 the children's trust fund, the transportation network company
8 account, the Washington horse racing commission Washington bred
9 owners' bonus fund and breeder awards account, the Washington horse
10 racing commission class C purse fund account, the individual
11 development account program account, the Washington horse racing
12 commission operating account, the life sciences discovery fund, the
13 Washington state heritage center account, the reduced cigarette
14 ignition propensity account, the center for childhood deafness and
15 hearing loss account, the school for the blind account, the
16 Millersylvania park trust fund, the public employees' and retirees'
17 insurance reserve fund, and the radiation perpetual maintenance fund.

18 (c) The following accounts and funds must receive eighty percent
19 of their proportionate share of earnings based upon each account's or
20 fund's average daily balance for the period: The advanced right-of-
21 way revolving fund, the advanced environmental mitigation revolving
22 account, the federal narcotics asset forfeitures account, the high
23 occupancy vehicle account, the local rail service assistance account,
24 and the miscellaneous transportation programs account.

25 (d) Any state agency that has independent authority over accounts
26 or funds not statutorily required to be held in the custody of the
27 state treasurer that deposits funds into a fund or account in the
28 custody of the state treasurer pursuant to an agreement with the
29 office of the state treasurer shall receive its proportionate share
30 of earnings based upon each account's or fund's average daily balance
31 for the period.

32 (5) In conformance with Article II, section 37 of the state
33 Constitution, no trust accounts or funds shall be allocated earnings
34 without the specific affirmative directive of this section.

35 NEW SECTION. **Sec. 22.** The state of Washington fully occupies
36 and preempts: The entire field of regulation of transportation
37 network company licensing and permits for transportation network
38 companies and transportation network company drivers; all
39 requirements, applications, certifications, examinations, and

1 background checks for transportation network company drivers, and the
2 processing and adjudication of each; and all rate, entry, or
3 operational requirements for transportation network companies within
4 the boundaries of the state. Any political subdivision in this state
5 may enforce only those laws and ordinances relating to the regulation
6 of such fields concerning the transportation network company industry
7 that are specifically authorized by state law and are consistent with
8 this chapter. This section is not intended to limit, extend, address,
9 affect, or permit the authority of any political subdivision to
10 impose generally applicable requirements upon transportation network
11 companies within its jurisdiction. Local laws and ordinances that are
12 inconsistent with, more restrictive than, or exceed the requirements
13 of this chapter may not be enacted and are preempted and repealed,
14 regardless of the code, charter, or home rule status of such
15 political subdivision.

16 **Sec. 23.** RCW 48.177.010 and 2015 c 236 s 2 are each amended to
17 read as follows:

18 (1)(a) Before being used to provide (~~commercial~~) transportation
19 network company services, every personal vehicle must be covered by a
20 primary automobile insurance policy that specifically covers
21 (~~commercial~~) transportation network company services. However, the
22 insurance coverage requirements of this section are alternatively
23 satisfied by securing coverage pursuant to chapter 46.72 or 46.72A
24 RCW that covers the personal vehicle being used to provide
25 (~~commercial~~) transportation network company services and that is in
26 effect twenty-four hours per day, seven days per week. Except as
27 provided in subsection (2) of this section, a (~~commercial~~)
28 transportation (~~services provider~~) network company must secure this
29 policy for every personal vehicle used to provide (~~commercial~~)
30 transportation network company services. For purposes of this
31 section, a "primary automobile insurance policy" is not a private
32 passenger automobile insurance policy.

33 (b) The primary automobile insurance policy required under this
34 section must provide coverage, as specified in this subsection
35 (1)(b), at all times the driver is logged in to a (~~commercial~~)
36 transportation (~~services provider's~~) network company's digital
37 network (~~or software application~~) and at all times a passenger is
38 in (~~the~~) a transportation network company vehicle as part of a
39 prearranged ride.

1 (i) The primary automobile insurance policy required under this
2 subsection must provide the following coverage during (~~commercial~~)
3 transportation network company services applicable during the period
4 before a driver accepts a requested ride through a digital network
5 (~~or software application~~):

6 (A) Liability coverage in an amount no less than fifty thousand
7 dollars per person for bodily injury, one hundred thousand dollars
8 per accident for bodily injury of all persons, and thirty thousand
9 dollars for damage to property;

10 (B) Underinsured motorist coverage to the extent required under
11 RCW 48.22.030; and

12 (C) Personal injury protection coverage to the extent required
13 under RCW 48.22.085 and 48.22.095.

14 (ii) The primary automobile insurance policy required under this
15 subsection must provide the following coverage, applicable during the
16 period of a prearranged ride:

17 (A) Combined single limit liability coverage in the amount of one
18 million dollars for death, personal injury, and property damage;

19 (B) Underinsured motorist coverage in the amount of one million
20 dollars; and

21 (C) Personal injury protection coverage to the extent required
22 under RCW 48.22.085 and 48.22.095.

23 (2)(a) As an alternative to the provisions of subsection (1) of
24 this section, if the office of the insurance commissioner approves
25 the offering of an insurance policy that recognizes that a person is
26 acting as a transportation network company driver (~~for a commercial~~
27 ~~transportation services provider~~) and using a personal vehicle to
28 provide (~~commercial~~) transportation network company services, a
29 driver may secure a primary automobile insurance policy covering a
30 personal vehicle and providing the same coverage as required in
31 subsection (1) of this section. The policy coverage may be in the
32 form of a rider to, or endorsement of, the driver's private passenger
33 automobile insurance policy only if approved as such by the office of
34 the insurance commissioner.

35 (b) If the primary automobile insurance policy maintained by a
36 driver to meet the obligation of this section does not provide
37 coverage for any reason, including that the policy lapsed or did not
38 exist, the (~~commercial~~) transportation (~~services provider~~)
39 network company must provide the coverage required under this section
40 beginning with the first dollar of a claim.

1 (c) The primary automobile insurance policy required under this
2 subsection and subsection (1) of this section may be secured by any
3 of the following:

4 (i) The ~~((commercial))~~ transportation ~~((services—provider))~~
5 network company as provided under subsection (1) of this section;

6 (ii) The transportation network company driver as provided under
7 (a) of this subsection; or

8 (iii) A combination of both the ~~((commercial))~~ transportation
9 ~~((services—provider))~~ network company and the transportation network
10 company driver.

11 (3) The insurer or insurers providing coverage under subsections
12 (1) and (2) of this section are the only insurers having the duty to
13 defend any liability claim from an accident occurring while
14 ~~((commercial))~~ transportation network company services are being
15 provided.

16 (4) In addition to the requirements in subsections (1) and (2) of
17 this section, before allowing a person to provide ~~((commercial))~~
18 transportation network company services as a transportation network
19 company driver, a ~~((commercial))~~ transportation ~~((services—provider))~~
20 network company must provide written proof to the driver that the
21 driver is covered by a primary automobile insurance policy that meets
22 the requirements of this section. Alternatively, if a transportation
23 network company driver purchases a primary automobile insurance
24 policy as allowed under subsection (2) of this section, the
25 ~~((commercial))~~ transportation ~~((services—provider))~~ network company
26 must verify that the driver has done so.

27 (5) A primary automobile insurance policy required under
28 subsection (1) or (2) of this section may be placed with an insurer
29 licensed under this title to provide insurance in the state of
30 Washington or as an eligible surplus line insurance policy as
31 described in RCW 48.15.040.

32 (6) Insurers that write automobile insurance in Washington may
33 exclude any and all coverage afforded under a private passenger
34 automobile insurance policy issued to an owner or operator of a
35 personal vehicle for any loss or injury that occurs while a
36 transportation network company driver ~~((for—a—commercial~~
37 ~~transportation—services—provider))~~ is logged in to a ~~((commercial))~~
38 transportation ~~((services—provider's))~~ network company's digital
39 network or while a transportation network company driver provides a
40 prearranged ride. This right to exclude all coverage may apply to any

1 coverage included in a private passenger automobile insurance policy
2 including, but not limited to:

3 (a) Liability coverage for bodily injury and property damage;

4 (b) Personal injury protection coverage;

5 (c) Underinsured motorist coverage;

6 (d) Medical payments coverage;

7 (e) Comprehensive physical damage coverage; and

8 (f) Collision physical damage coverage.

9 (7) Nothing in this section shall be construed to require a
10 private passenger automobile insurance policy to provide primary or
11 excess coverage or a duty to defend for the period of time in which a
12 transportation network company driver is logged in to a
13 ~~((commercial))~~ transportation ~~((services—provider's))~~ network
14 company's digital network ~~((or—software—application))~~ or while the
15 driver is engaged in a prearranged ride or the driver otherwise uses
16 a vehicle to transport passengers for compensation.

17 (8) Insurers that exclude coverage under subsection (6) of this
18 section have no duty to defend or indemnify any claim expressly
19 excluded under subsection (6) of this section. Nothing in this
20 section shall be deemed to invalidate or limit an exclusion contained
21 in a policy, including any policy in use or approved for use in
22 Washington state before July 24, 2015, that excludes coverage for
23 vehicles used to carry persons or property for a charge or available
24 for hire by the public.

25 (9) An exclusion exercised by an insurer in subsection (6) of
26 this section applies to any coverage selected or rejected by a named
27 insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or
28 endorsement by a transportation network company driver under
29 subsection (2)(a) of this section does not require a separate
30 coverage rejection under RCW 48.22.030 or 48.22.085.

31 (10) If more than one insurance policy provides valid and
32 collectible coverage for a loss arising out of an occurrence
33 involving a motor vehicle operated by a transportation network
34 company driver, the responsibility for the claim must be divided as
35 follows:

36 (a) Except as provided otherwise under subsection (2)(c) of this
37 section, if the driver has been matched with a passenger and is
38 traveling to pick up the passenger, or the driver is providing
39 transportation network company services to a passenger, the
40 ~~((commercial))~~ transportation ~~((services—provider))~~ network company

1 that matched the driver and passenger must provide insurance
2 coverage; or

3 (b) If the driver is logged in to the digital network (~~(or~~
4 ~~software application)~~) of more than one (~~(commercial)~~) transportation
5 (~~(services provider)~~) network company but has not been matched with a
6 passenger, the liability must be divided equally among all of the
7 applicable insurance policies that specifically provide coverage for
8 (~~(commercial)~~) transportation network company services.

9 (11) In an accident or claims coverage investigation, a
10 (~~(commercial)~~) transportation (~~(services provider)~~) network company
11 or its insurer must cooperate with a private passenger automobile
12 insurance policy insurer and other insurers that are involved in the
13 claims coverage investigation to facilitate the exchange of
14 information, including the provision of (a) dates and times at which
15 an accident occurred that involved a participating transportation
16 network company driver and (b) within ten business days after
17 receiving a request, a copy of the provider's electronic record
18 showing the precise times that the participating driver logged on and
19 off the provider's digital network (~~(or software application)~~) on the
20 day the accident or other loss occurred. The (~~(commercial)~~)
21 transportation (~~(services provider)~~) network company or its insurer
22 must retain all data, communications, or documents related to
23 insurance coverage or accident details for a period of not less than
24 the applicable statutes of limitation, plus two years from the date
25 of an accident to which those records pertain.

26 (12) This section does not modify or abrogate any otherwise
27 applicable insurance requirement set forth in this title.

28 (13) After July 1, 2016, an insurance company regulated under
29 this title may not deny an otherwise covered claim arising
30 exclusively out of the personal use of the private passenger
31 automobile solely on the basis that the insured, at other times, used
32 the private passenger automobile covered by the policy to provide
33 (~~(commercial)~~) transportation network company services.

34 (14) If an insurer for a (~~(commercial)~~) transportation (~~(services~~
35 ~~provider)~~) network company makes a payment for a claim covered under
36 comprehensive coverage or collision coverage, the (~~(commercial)~~)
37 transportation (~~(services provider)~~) network company must cause its
38 insurer to issue the payment directly to the business repairing the
39 vehicle or jointly to the owner of the vehicle and the primary
40 lienholder on the covered vehicle.

1 (15)(a) To be eligible for securing a primary automobile
2 insurance policy under this section, a (~~commercial~~) transportation
3 (~~services provider~~) network company must make the following
4 disclosures in writing to a prospective driver in the prospective
5 driver's terms of service:

6 WHILE OPERATING ON THE DIGITAL NETWORK (~~OR SOFTWARE~~
7 ~~APPLICATION~~) OF THE (~~COMMERCIAL~~) TRANSPORTATION (~~SERVICES~~
8 ~~PROVIDER~~) NETWORK COMPANY, YOUR PRIVATE PASSENGER AUTOMOBILE
9 INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST,
10 PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE,
11 DEPENDING ON THE TERMS OF THE POLICY.

12 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE (~~COMMERCIAL~~)
13 TRANSPORTATION NETWORK COMPANY SERVICES FOR OUR COMPANY HAS A LIEN
14 AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE
15 VEHICLE FOR (~~COMMERCIAL~~) TRANSPORTATION NETWORK COMPANY SERVICES
16 THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

17 (b) The prospective driver must acknowledge the terms of service
18 electronically or by signature.

19 **Sec. 24.** RCW 51.12.020 and 2015 c 236 s 4 are each amended to
20 read as follows:

21 The following are the only employments which shall not be
22 included within the mandatory coverage of this title:

23 (1) Any person employed as a domestic servant in a private home
24 by an employer who has less than two employees regularly employed
25 forty or more hours a week in such employment.

26 (2) Any person employed to do gardening, maintenance, or repair,
27 in or about the private home of the employer. For the purposes of
28 this subsection, "maintenance" means the work of keeping in proper
29 condition, "repair" means to restore to sound condition after damage,
30 and "private home" means a person's place of residence.

31 (3) A person whose employment is not in the course of the trade,
32 business, or profession of his or her employer and is not in or about
33 the private home of the employer.

34 (4) Any person performing services in return for aid or
35 sustenance only, received from any religious or charitable
36 organization.

37 (5) Sole proprietors or partners.

1 (6) Any child under eighteen years of age employed by his or her
2 parent or parents in agricultural activities on the family farm.

3 (7) Jockeys while participating in or preparing horses for race
4 meets licensed by the Washington horse racing commission pursuant to
5 chapter 67.16 RCW.

6 (8)(a) Except as otherwise provided in (b) of this subsection,
7 any bona fide officer of a corporation voluntarily elected or
8 voluntarily appointed in accordance with the articles of
9 incorporation or bylaws of the corporation, who at all times during
10 the period involved is also a bona fide director, and who is also a
11 shareholder of the corporation. Only such officers who exercise
12 substantial control in the daily management of the corporation and
13 whose primary responsibilities do not include the performance of
14 manual labor are included within this subsection.

15 (b) Alternatively, a corporation that is not a "public company"
16 as defined in RCW 23B.01.400 may exempt eight or fewer bona fide
17 officers, who are voluntarily elected or voluntarily appointed in
18 accordance with the articles of incorporation or bylaws of the
19 corporation and who exercise substantial control in the daily
20 management of the corporation, from coverage under this title without
21 regard to the officers' performance of manual labor if the exempted
22 officer is a shareholder of the corporation, or may exempt any number
23 of officers if all the exempted officers are related by blood within
24 the third degree or marriage. If a corporation that is not a "public
25 company" elects to be covered under subsection (8)(a) of this
26 section, the corporation's election must be made on a form prescribed
27 by the department and under such reasonable rules as the department
28 may adopt.

29 (c) Determinations respecting the status of persons performing
30 services for a corporation shall be made, in part, by reference to
31 Title 23B RCW and to compliance by the corporation with its own
32 articles of incorporation and bylaws. For the purpose of determining
33 coverage under this title, substance shall control over form, and
34 mandatory coverage under this title shall extend to all workers of
35 this state, regardless of honorary titles conferred upon those
36 actually serving as workers.

37 (d) A corporation may elect to cover officers who are exempted by
38 this subsection in the manner provided by RCW 51.12.110.

39 (9) Services rendered by a musician or entertainer under a
40 contract with a purchaser of the services, for a specific engagement

1 or engagements when such musician or entertainer performs no other
2 duties for the purchaser and is not regularly and continuously
3 employed by the purchaser. A purchaser does not include the leader of
4 a group or recognized entity who employs other than on a casual basis
5 musicians or entertainers.

6 (10) Services performed by a newspaper vendor, carrier, or
7 delivery person selling or distributing newspapers on the street, to
8 offices, to businesses, or from house to house and any freelance news
9 correspondent or "stringer" who, using his or her own equipment,
10 chooses to submit material for publication for free or a fee when
11 such material is published.

12 (11) Services performed by an insurance producer, as defined in
13 RCW 48.17.010, or a surplus line broker licensed under chapter 48.15
14 RCW.

15 (12) Services performed by a booth renter. However, a person
16 exempted under this subsection may elect coverage under RCW
17 51.32.030.

18 (13) Members of a limited liability company, if either:

19 (a) Management of the company is vested in its members, and the
20 members for whom exemption is sought would qualify for exemption
21 under subsection (5) of this section were the company a sole
22 proprietorship or partnership; or

23 (b) Management of the company is vested in one or more managers,
24 and the members for whom the exemption is sought are managers who
25 would qualify for exemption under subsection (8) of this section were
26 the company a corporation.

27 (14) A driver providing (~~commercial~~) transportation network
28 company services ((as defined in RCW 48.177.005)) under chapter
29 46.--- RCW (the new chapter created in section 30 of this act). The
30 driver may elect coverage in the manner provided by RCW 51.32.030.

31 (15) For hire vehicle operators under chapter 46.72 RCW who own
32 or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW
33 who own or lease the limousine, and operators of taxicabs under
34 chapter 81.72 RCW who own or lease the taxicab. An owner or lessee
35 may elect coverage in the manner provided by RCW 51.32.030.

36 **Sec. 25.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to
37 read as follows:

38 When used in this chapter:

1 (1) The term "for hire vehicle" includes all vehicles used for
2 the transportation of passengers for compensation, except auto
3 stages, school buses operating exclusively under a contract to a
4 school district, ride-sharing vehicles under chapter 46.74 RCW,
5 limousine carriers licensed under chapter 46.72A RCW, vehicles used
6 to provide transportation network company services under chapter
7 46.--- RCW (the new chapter created in section 30 of this act),
8 vehicles used by nonprofit transportation providers for elderly
9 persons or (~~handicapped~~) persons with disabilities and their
10 attendants under chapter 81.66 RCW, vehicles used by auto
11 transportation companies licensed under chapter 81.68 RCW, vehicles
12 used to provide courtesy transportation at no charge to and from
13 parking lots, hotels, and rental offices, and vehicles used by
14 charter party carriers of passengers and excursion service carriers
15 licensed under chapter 81.70 RCW;

16 (2) The term "for hire operator" means and includes any person,
17 concern, or entity engaged in the transportation of passengers for
18 compensation in for hire vehicles.

19 **Sec. 26.** RCW 46.74.020 and 1979 c 111 s 2 are each amended to
20 read as follows:

21 Ride-sharing vehicles are not deemed for hire vehicles and do not
22 fall within the provisions of chapter 46.72 RCW or any other
23 provision of Title 46 RCW affecting for hire vehicles or
24 transportation network company vehicles, whether or not the ride-
25 sharing operator receives compensation.

26 **Sec. 27.** RCW 50.04.100 and 1982 1st ex.s. c 18 s 14 are each
27 amended to read as follows:

28 "Employment", subject only to the other provisions of this title,
29 means personal service, of whatever nature, unlimited by the
30 relationship of master and servant as known to the common law or any
31 other legal relationship, including service in interstate commerce,
32 performed for wages or under any contract calling for the performance
33 of personal services, written or oral, express or implied. However,
34 for purposes of this title "employment" does not include
35 transportation network company services performed by a transportation
36 network company driver under chapter 46.--- RCW (the new chapter
37 created in section 30 of this act), on or after January 1, 2011.

1 Except as provided by RCW 50.04.145, personal services performed
2 for an employing unit by one or more contractors or subcontractors
3 acting individually or as a partnership, which do not meet the
4 provisions of RCW 50.04.140, shall be considered employment of the
5 employing unit: PROVIDED, HOWEVER, That such contractor or
6 subcontractor shall be an employer under the provisions of this title
7 in respect to personal services performed by individuals for such
8 contractor or subcontractor.

9 NEW SECTION. **Sec. 28.** RCW 48.177.005 (Definitions) and 2016 c
10 21 s 1 are each repealed.

11 NEW SECTION. **Sec. 29.** RCW 48.177.010 is recodified as a section
12 in chapter 46.--- RCW (the new chapter created in section 30 of this
13 act).

14 NEW SECTION. **Sec. 30.** Sections 1 through 18, 20, and 22 of this
15 act constitute a new chapter in Title 46 RCW.

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