

---

HOUSE BILL 1332

---

State of Washington

69th Legislature

2025 Regular Session

**By** Representatives Obras, Gregerson, Berry, Alvarado, Ormsby, Davis, Ramel, Salahuddin, Ryu, Parshley, Macri, Taylor, Reed, Hill, Doglio, Scott, and Nance

Read first time 01/16/25. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to transportation network companies; amending RCW  
2 46.72B.020 and 49.46.300; and adding a new section to chapter 46.72b  
3 RCW.

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

5 **Sec. 1.** RCW 46.72B.020 and 2022 c 281 s 15 are each amended to  
6 read as follows:

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

9 (1) "Department" means the department of licensing.

10 (2) "Digital network" means any online-enabled application,  
11 website, or system offered or used by a transportation network  
12 company that enables the prearrangement of rides between drivers and  
13 passengers.

14 (3) "Director" means the director of the department of licensing.

15 (4) "Driver" has the meaning provided in RCW 49.46.300.

16 (5) "Network services" has the meaning provided in RCW 49.46.300.

17 (6) "Passenger" means an individual who uses a digital network to  
18 connect with a driver in order to obtain a prearranged ride in the  
19 driver's transportation network company vehicle. A person may use a  
20 digital network to request a prearranged ride on behalf of a  
21 passenger.

1 (7) "Prearranged ride" has the same meaning provided in RCW  
2 48.177.005.

3 (8) "Product class" means special ride options, offered to  
4 passengers for additional fees, that are based on the type of  
5 vehicle, such as make and model, or based on the type of vehicle  
6 combined with specified features or ride preferences.

7 (9) "Transportation network company" has the meaning provided in  
8 RCW 49.46.300.

9 ((+9)) (10) "Transportation network company vehicle" has the  
10 same meaning as "personal vehicle" in RCW 48.177.005.

11 NEW SECTION. Sec. 2. A new section is added to chapter 46.72b  
12 RCW to read as follows:

13 (1) A transportation network company must inform transportation  
14 network company drivers which vehicles, described by make, model, and  
15 year, are eligible for each product class offered on the  
16 transportation network company platform at the time the driver  
17 onboards the vehicle to the platform.

18 (2) The transportation network company must ensure that once  
19 onboarded, a driver's vehicle will retain eligibility for the same  
20 product classes that were in effect at the time of the vehicle's  
21 onboarding for as long as the transportation network company  
22 continues to offer each product class and the driver's vehicle  
23 continues to meet all safety standards and other requirements under  
24 this chapter and any other local regulation.

25 (3) If a transportation network company plans to eliminate a  
26 product class or modify vehicle eligibility requirements for newly  
27 onboarded vehicles to a product class, the transportation network  
28 company must provide all drivers on the transportation network  
29 company's platform at least 60 days' written notice of the planned  
30 changes before the transportation network company can implement the  
31 changes.

32 (4) For a period of one year after the effective date of this  
33 section, any transportation network company driver whose vehicle lost  
34 eligibility for a particular product class in the previous five years  
35 from the effective date of this section, may request a transportation  
36 network company to reapply the product class eligibility standards  
37 that were in effect at the time the vehicle was onboarded on the  
38 platform. A transportation network company must approve such requests  
39 as long as the transportation network company continues to offer the

1 particular product class and the driver's vehicle continues to meet  
2 all safety standards and other requirements under this chapter and  
3 any other local regulation.

4 **Sec. 3.** RCW 49.46.300 and 2022 c 281 s 1 are each amended to  
5 read as follows:

6 (1) The definitions in this subsection apply throughout this  
7 section and RCW 49.46.310 through 49.46.350 unless the context  
8 clearly requires otherwise.

9 (a) "Account deactivation" means one or more of the following  
10 actions with respect to an individual driver or group of drivers that  
11 is implemented by a transportation network company and lasts for more  
12 than three consecutive days:

13 (i) Blocking access to the transportation network company driver  
14 platform;

15 (ii) Changing a driver's status from eligible to provide  
16 transportation network company services to ineligible; or

17 (iii) Any other material restriction in access to the  
18 transportation network company's driver platform.

19 (b) "Compensation" means payment owed to a driver by reason of  
20 providing network services including, but not limited to, the minimum  
21 payment for passenger platform time and mileage, incentives, and  
22 tips.

23 (c) "Department" means the department of labor and industries.

24 (d) "Digital network" means any online-enabled application,  
25 website, or system offered or used by a transportation network  
26 company that enables the prearrangement of rides between drivers and  
27 passengers.

28 (e) "Director" means the director of the department of labor and  
29 industries.

30 (f) "Dispatch location" means the location of the driver at the  
31 time the driver accepts a trip request through the driver platform.

32 (g) "Dispatch platform time" means the time a driver spends  
33 traveling from a dispatch location to a passenger pick-up location.  
34 Dispatch platform time ends when a passenger cancels a trip or the  
35 driver begins the trip through the driver platform. A driver cannot  
36 simultaneously be engaged in dispatch platform time and passenger  
37 platform time for the same transportation network company. For shared  
38 rides, dispatch platform time means the time a driver spends

1 traveling from the first dispatch location to the first passenger  
2 pick-up location.

3 (h) "Dispatched trip" means the provision of transportation by a  
4 driver for a passenger through the use of a transportation network  
5 company's application dispatch system.

6 (i) "Driver" has the same meaning as "commercial transportation  
7 services provider driver" in RCW 48.177.005. Except as otherwise  
8 specified in chapter 281, Laws of 2022, for purposes of this title  
9 and Titles 48, 50A, 50B, and 51 RCW, and any orders, regulations,  
10 administrative policies, or opinions of any state or local agency,  
11 board, division, or commission, pursuant to those titles, a driver is  
12 not an employee or agent of a transportation network company if the  
13 following factors are met:

14 (i) The transportation network company does not unilaterally  
15 prescribe specific dates, times of day, or a minimum number of hours  
16 during which the driver must be logged into the transportation  
17 network company's online-enabled application or platform;

18 (ii) The transportation network company may not terminate the  
19 contract of the driver for not accepting a specific transportation  
20 service request;

21 (iii) The transportation network company does not contractually  
22 prohibit the driver from performing services through other  
23 transportation network companies except while performing services  
24 through the transportation network company's online-enabled  
25 application or platform during dispatch platform time and passenger  
26 platform time; and

27 (iv) The transportation network company does not contractually  
28 prohibit the driver from working in any other lawful occupation or  
29 business.

30 Notwithstanding any state or local law to the contrary, any party  
31 seeking to establish that the factors in this subsection (1)(i) are  
32 not met bears the burden of proof. A driver for purposes of this  
33 section shall not include any person ultimately and finally  
34 determined to be an "employee" within the meaning of section 2(3) of  
35 the national labor relations act, 29 U.S.C. Sec. 152(3).

36 (j) "Driver platform" means the driver-facing application  
37 dispatch system software or any online-enabled application service,  
38 website, or system, used by a driver, or which enables services to be  
39 delivered to a driver that enables the prearrangement of passenger  
40 trips for compensation.

1 (k) "Driver resource center" or "center" means a nonprofit  
2 organization that provides services to drivers. The nonprofit  
3 organization must be registered with the Washington secretary of  
4 state, have organizational bylaws giving drivers right to membership  
5 in the organization, and have demonstrated experience: (i) Providing  
6 services to gig economy drivers in Washington state, including  
7 representing drivers in deactivation appeals proceedings; and (ii)  
8 providing culturally competent driver representation services,  
9 outreach, and education. The administration and formation of the  
10 driver resource center may not be funded, excessively influenced, or  
11 controlled by a transportation network company.

12 (l) "Driver resource center fund" or "fund" means the dedicated  
13 fund created in RCW 49.46.310, the sole purpose of which is to  
14 administer funds collected from transportation network companies to  
15 provide services, support, and benefits to drivers.

16 (m) "Network services" means services related to the  
17 transportation of passengers through the driver platform that are  
18 provided by a driver while logged in to the driver platform,  
19 including services provided during available platform time, dispatch  
20 platform time, and passenger platform time.

21 (n) "Passenger" has the same meaning as "commercial  
22 transportation services provider passenger" in RCW 48.177.005.

23 (o) "Passenger drop-off location" means the location of a  
24 driver's vehicle when the passenger leaves the vehicle.

25 (p) "Passenger pick-up location" means the location of the  
26 driver's vehicle at the time the driver starts the trip in the driver  
27 platform.

28 (q) "Passenger platform miles" means all miles driven during  
29 passenger platform time as recorded in a transportation network  
30 company's driver platform.

31 (r) "Passenger platform time" means the period of time when the  
32 driver is transporting one or more passengers on a trip. For shared  
33 rides, passenger platform time means the period of time commencing  
34 when the first passenger enters the driver's vehicle until the time  
35 when the last passenger exits the driver's vehicle.

36 (s) "Personal vehicle" has the same meaning as "personal vehicle"  
37 in RCW 48.177.005.

38 (t) "Shared ride" means a dispatched trip which, prior to its  
39 commencement, a passenger requests through the transportation network  
40 company's digital network to share the dispatched trip with one or

1 more passengers and each passenger is charged a fare that is  
2 calculated, in whole or in part, based on the passenger's request to  
3 share all or a part of the dispatched trip with one or more  
4 passengers, regardless of whether the passenger actually shares all  
5 or a part of the dispatched trip.

6 (u) "Tips" means a verifiable sum to be presented by a passenger  
7 as a gift or gratuity in recognition of service performed for the  
8 passenger by the driver receiving the tip.

9 (v) "Transportation network company" has the same meaning as  
10 defined in RCW 46.04.652. A transportation network company does not  
11 provide for hire transportation service.

12 (2) A driver is only covered by this section to the extent that  
13 the driver provides network services within the state of Washington.

14 (3)(a) A transportation network company is covered by this  
15 section if it provides a driver platform within the state of  
16 Washington.

17 (b) Separate entities that form an integrated enterprise are  
18 considered a single transportation network company under this  
19 section. Separate entities will be considered an integrated  
20 enterprise and a single transportation network company where a  
21 separate entity controls the operation of another entity. Factors to  
22 consider include, but are not limited to, the degree of interrelation  
23 between the operations of multiple entities; the degree to which the  
24 entities share common management; the centralized control of labor  
25 relations; the degree of common ownership or financial control over  
26 the entities; and the use of a common brand, trade, business, or  
27 operating name.

28 (4)(a) Beginning December 31, 2022, a transportation network  
29 company shall ensure that a driver's total compensation is not less  
30 than the standard set forth in (a)(i), (ii), or (iii) of this  
31 subsection (4).

32 (i) For all dispatched trips originating in cities with a  
33 population of more than 600,000, on a per trip basis the greater of:

34 (A) \$0.59 per passenger platform minute for all passenger  
35 platform time for that trip, and \$1.38 per passenger platform mile  
36 for all passenger platform miles driven on that trip; or

37 (B) A minimum of \$5.17 per dispatched trip.

38 (ii) For all other dispatched trips, the greater of:

39 (A) \$0.34 per passenger platform minute and \$1.17 per passenger  
40 platform mile; or

1 (B) A minimum of \$3.00 per dispatched trip.

2 (iii) For all trips originating elsewhere and terminating in  
3 cities with a population of more than 600,000:

4 (A) For all passenger platform time spent within the city on that  
5 trip and for all passenger platform miles driven in the city on that  
6 trip the compensation standard under (a)(i) of this subsection  
7 applies.

8 (B) For all passenger platform time spent outside the city on  
9 that trip and for all passenger platform miles driven outside the  
10 city on that trip the compensation standard under (a)(ii) of this  
11 subsection applies.

12 (b) Beginning September 30, 2022, and on each following September  
13 30th, the department shall calculate adjusted per mile and per minute  
14 amounts and per trip minimums by increasing the current year's per  
15 mile and per minute amounts and per trip minimums by the rate of  
16 increase of the state minimum wage, calculated to the nearest cent.  
17 The adjusted amount calculated under this section takes effect on the  
18 following January 1st.

19 (c) For shared rides, the per trip minimums in (a)(i) and (ii) of  
20 this subsection shall apply only to the entirety of the shared ride,  
21 and not on the basis of the individual passenger's trip within the  
22 shared ride.

23 (5)(a) For the purposes of this section, a dispatched trip  
24 includes:

25 (i) A dispatched trip in which the driver transports the  
26 passenger to the passenger drop-off location;

27 (ii) A dispatched trip canceled after two minutes by a passenger  
28 or the transportation network company unless cancellation is due to  
29 driver conduct, or no cancellation fee is charged to the passenger;

30 (iii) A dispatched trip that is canceled by the driver for good  
31 cause consistent with company policy; and

32 (iv) A dispatched trip where the passenger does not appear at the  
33 passenger pick-up location within five minutes.

34 (b) A transportation network company may exclude time and miles  
35 if doing so is reasonably necessary to remedy or prevent fraudulent  
36 use of the transportation network company's online-enabled  
37 application or platform.

38 (6)(a) A transportation network company shall remit to drivers  
39 all tips. Tips paid to a driver are in addition to, and may not count  
40 towards, the driver's minimum compensation under this section.

1 (b) Amounts charged to a passenger and remitted to the driver for  
2 tolls, fees, or surcharges incurred by a driver during a trip must  
3 not be included in calculating compensation for purposes of  
4 subsection (4) of this section.

5 (c) (i) Beginning January 1, 2023, except as required by law, a  
6 transportation network company may only deduct compensation when the  
7 driver expressly authorizes the deduction in writing and does so in  
8 advance for a lawful purpose. Any authorization by a driver must be  
9 voluntary and knowing.

10 (ii) Nothing in this section shall prohibit a transportation  
11 network company from deducting compensation as required by state or  
12 federal law or as directed by a court order.

13 (iii) Neither the transportation network company nor any person  
14 acting in the interest of the transportation network company may  
15 derive any financial profit or benefit from any of the deductions  
16 under this section. For the purposes of this section:

17 (A) Reasonable interest charged by the transportation network  
18 company or any person acting in the interest of a transportation  
19 network company, for a loan or credit extended to the driver, is not  
20 considered to be of financial benefit to the transportation network  
21 company or person acting in the interest of a transportation network  
22 company; and

23 (B) A deduction will be considered for financial profit or  
24 benefit only if it results in a gain over and above the fair market  
25 value of the goods or services for which the deduction was made.

26 (7) (a) Beginning January 1, 2023, a transportation network  
27 company shall provide each driver with a written notice of rights  
28 established by this section in a form and manner sufficient to inform  
29 drivers of their rights under this section. The notice of rights  
30 shall provide information on:

31 (i) The right to the applicable per minute rate and per mile rate  
32 or per trip rate guaranteed by this section;

33 (ii) The right to be protected from retaliation for exercising in  
34 good faith the rights protected by this section; and

35 (iii) The right to seek legal action or file a complaint with the  
36 department for violation of the requirements of this section,  
37 including a transportation network company's failure to pay the  
38 minimum per minute rate or per mile rate or per trip rate, or a  
39 transportation network company's retaliation against a driver or  
40 other person for engaging in an activity protected by this section.



1 (b) A transportation network company shall provide the notice of  
2 rights required by this section in an electronic format that is  
3 readily accessible to the driver. The notice of rights shall be made  
4 available to the driver via smartphone application or online web  
5 portal, in English and the five most common foreign languages spoken  
6 in this state.

7 (8) Beginning December 31, 2022, within 24 hours of completion of  
8 each dispatched trip, a transportation network company must transmit  
9 an electronic receipt to the driver that contains the following  
10 information for each unique trip, or portion of a unique trip,  
11 covered by this section:

12 (a) The total amount of passenger platform time;

13 (b) The total mileage driven during passenger platform time;

14 (c) Rate or rates of pay, including but not limited to the rate  
15 per minute, rate per mile, percentage of passenger fare, and any  
16 applicable price multiplier or variable pricing policy in effect for  
17 the trip;

18 (d) Tip compensation;

19 (e) Gross payment;

20 (f) Net payment after deductions, fees, tolls, surcharges, lease  
21 fees, or other charges; and

22 (g) Itemized deductions or fees, including any toll, surcharge,  
23 commission, lease fees, and other charges.

24 (9) (a) Beginning January 1, 2023, a transportation network  
25 company shall make driver per trip receipts available in a  
26 downloadable format, such as a comma-separated values file or PDF  
27 file, via smartphone application or online web portal for a period of  
28 two years from the date the transportation network company provided  
29 the receipt to the driver.

30 (b) Beginning on the effective date of this section, a  
31 transportation network company shall make available to a driver, in  
32 an accessible system, a record of all the driver's trips taken in the  
33 previous two years. The transportation network company must provide  
34 the record to the driver in a single aggregated, searchable,  
35 downloadable, comma-separated values file or searchable PDF file,  
36 containing a table with rows for each unique trip and columns for  
37 each itemized element contained in the trip receipt.

38 (10) Beginning January 1, 2023, on a weekly basis, the  
39 transportation network company shall provide written notice to the  
40 driver that contains the following information for trips, or a

1 portion of a trip, that is covered by this section and which occurred  
2 in the prior week:

3 (a) The driver's total passenger platform time;

4 (b) Total mileage driven by the driver during passenger platform  
5 time;

6 (c) The driver's total tip compensation;

7 (d) The driver's gross payment, itemized by: (i) Rate per minute;  
8 (ii) rate per mile; and (iii) any other method used to calculate pay  
9 including, but not limited to, base pay, percentage of passenger  
10 fare, or any applicable price multiplier or variable pricing policy  
11 in effect for the trip;

12 (e) The driver's net payment after deductions, fees, tolls,  
13 surcharges, lease fees, or other charges; and

14 (f) Itemized deductions or fees, including all tolls, surcharges,  
15 commissions, lease fees, and other charges, from the driver's  
16 payment.

17 (11) Beginning January 1, 2023, within 24 hours of a trip's  
18 completion, a transportation network company must transmit an  
19 electronic receipt to the passenger, for on trip time, on behalf of  
20 the driver that lists:

21 (a) The date and time of the trip;

22 (b) The passenger pick-up and passenger drop-off locations for  
23 the trip. In describing the passenger pick-up location and passenger  
24 drop-off location, the transportation network company shall describe  
25 the location by indicating the specific block (e.g. "the 300 block of  
26 Pine Street") in which the passenger pick-up and passenger drop-off  
27 occurred. A transportation network company is authorized to indicate  
28 the location with greater specificity, such as with a street address  
29 or intersection, at its discretion;

30 (c) The total duration and distance of the trip;

31 (d) The driver's first name;

32 (e) The total fare paid, itemizing all charges and fees; and

33 (f) The total passenger-paid tips.

34 (12)(a) Beginning July 1, 2024, transportation network companies  
35 shall collect and remit a \$0.15 per trip fee to the driver resource  
36 center fund, created in RCW 49.46.310, for the driver resource center  
37 to support the driver community. The remittance under this subsection  
38 is a pass-through of passenger fares and shall not be considered a  
39 transportation network company's funding of the driver resource  
40 center. Passenger fares paid include each individual trip portion on

1 shared trips. The remittances to the fund must be made on a quarterly  
2 basis.

3 (b) Beginning September 30, 2024, and on each following September  
4 30th, the department shall calculate an adjusted per trip fee by  
5 adjusting the current amount by the rate of inflation. The adjusted  
6 amounts must be calculated to the nearest cent using the consumer  
7 price index for urban wage earners and clerical workers, CPI-W, or a  
8 successor index, for the 12 months prior to each September 1st as  
9 calculated by the United States department of labor. Each adjusted  
10 amount calculated under this subsection takes effect on the following  
11 January 1st.

12 (13) No later than one year after June 9, 2022, transportation  
13 network companies shall provide an opportunity for drivers to make  
14 voluntary per trip earnings deduction contributions to the driver  
15 resource center, provided that 100 or more drivers working for  
16 transportation network companies covered under this section have  
17 authorized such a deduction to the driver resource center, and  
18 subject to the following:

19 (a) A driver must expressly authorize the deduction in writing.  
20 Written authorization must include, at a minimum, sufficient  
21 information to identify the driver and the driver's desired per trip  
22 deduction amount. These deductions may reduce the driver's per trip  
23 earnings below the minimums set forth in this section.

24 (b) The transportation network company may require written  
25 authorization to be submitted in electronic format from the driver  
26 resource center.

27 (c) The transportation network company shall make the first  
28 deductions within 30 days of receiving a written authorization of the  
29 driver, and shall remit deductions to the driver resource center each  
30 month, with remittance due not later than 28 days following the end  
31 of the month.

32 (d) A driver's authorization remains in effect until the driver  
33 resource center provides an express revocation to the transportation  
34 network company.

35 (e) A transportation network company shall rely on information  
36 provided by the driver resource center regarding the authorization  
37 and revocation of deductions.

38 (f) Upon request by a transportation network company, the driver  
39 resource center shall reimburse the transportation network company

1 for the costs associated with deduction and remittance. The  
2 department shall adopt rules to calculate the reimbursable costs.

3 (14) Each transportation network company shall submit to the  
4 fund, with its remittance under subsection (12) of this section, a  
5 report detailing the number of trips in the previous quarter and the  
6 total amount of the surcharge charged to customers. The first payment  
7 and accounting is due on the 30th day of the quarter following the  
8 imposition of the surcharge. Failure to remit payments by the  
9 deadlines is deemed a delinquency and the transportation network  
10 company is subject to penalties and interest provided in RCW  
11 49.46.330.

12 (15)(a) The state expressly intends to displace competition with  
13 regulation allowing a transportation network company, at its own  
14 volition, to enter into an agreement with the driver resource center  
15 regarding a driver account deactivation appeals process for eligible  
16 account deactivations. It is the policy of the state to promote a  
17 fair appeals process related to eligible account deactivations that  
18 supports the rights of drivers and transportation network companies  
19 and provides fair processes related to eligible account  
20 deactivations. The state intends that any agreement under this  
21 section is immune from all federal and state antitrust laws.

22 (i) "Eligible account deactivation" means one or more of the  
23 following actions with respect to an individual driver that is  
24 implemented by a transportation network company:

25 (A) Blocking or restricting access to the transportation network  
26 company driver platform for three or more consecutive days; or

27 (B) Changing a driver's account status from eligible to provide  
28 transportation network company services to ineligible for three or  
29 more consecutive days.

30 (ii) An eligible account deactivation does not include any change  
31 in a driver's access or account status that is:

32 (A) Related to an allegation of discrimination, harassment,  
33 including sexual harassment or harassment due to someone's membership  
34 in a protected class, or physical or sexual assault, or willful or  
35 knowing commitment of fraud;

36 (B) Related to an allegation that the driver was under the  
37 influence of drugs or alcohol while a related active investigation  
38 that takes no longer than 10 business days is under way; or

1 (C) Any other categories the transportation network company and  
2 the driver resource center may agree to as part of the agreement  
3 under this subsection.

4 (iii) A transportation network company shall enter into an  
5 agreement with the driver resource center regarding the driver  
6 account deactivation appeals process for eligible account  
7 deactivations. Any agreement must be approved by the department. The  
8 department may approve an agreement only if the agreement contains  
9 the provisions in (a)(iv) of this subsection.

10 (iv) The agreement must provide an appeals process for drivers  
11 whose account has been subject to an eligible account deactivation.  
12 The appeals process must include the following protections:

13 (A) Opportunity for a driver representative to support a driver,  
14 upon the driver's request, throughout the account deactivation  
15 appeals process for eligible account deactivations;

16 (B) Notification, as required by (d) of this subsection, to  
17 drivers of their right to representation by the driver resource  
18 center at the time of the eligible account deactivation;

19 (C) Within 30 calendar days of a request, furnishing to the  
20 driver resource center an explanation and information the  
21 transportation network company may have relied upon in making the  
22 deactivation decision, excluding confidential, proprietary, or  
23 otherwise privileged communications, provided that personal  
24 identifying information and confidential information is redacted to  
25 address reasonable privacy and confidentiality concerns;

26 (D) A good faith, informal resolution process that is committed  
27 to efficient resolution of conflicts regarding eligible account  
28 deactivations within 30 days of the transportation network company  
29 being notified that the driver contests the explanation offered by  
30 the company;

31 (E) A formal process that includes a just cause standard, with  
32 deadlines for adjudication of an appeal of an eligible account  
33 deactivation by a panel that includes a mutually agreed-upon neutral  
34 third party with experience in dispute resolution. The panel has the  
35 authority to make binding decisions within the confines of the law  
36 and make-whole monetary awards, including back pay, based on an  
37 agreed-upon formula for cases not resolved during the informal  
38 process;

39 (F) Agreement by the transportation network company to use the  
40 process set forth in this subsection to resolve disputes over

1 eligible account deactivation appeals as an alternative to private  
2 arbitration with regard to such a dispute, should the driver and  
3 transportation network company so choose; and

4 (G) Agreement by the transportation network company that, for  
5 eligible account deactivations in which the driver or transportation  
6 network company elect private arbitration in lieu of the formal  
7 process outlined in (a)(iv)(E) of this subsection (15), the  
8 transportation network company shall offer the driver the opportunity  
9 to have the eligible deactivation adjudicated under the just cause  
10 standard outlined in (a)(iv)(E) of this subsection.

11 (b) A transportation network company that enters into an  
12 agreement with the driver resource center shall reach agreement  
13 through the following steps:

14 (i)(A) For a transportation network company operating a digital  
15 network in the state of Washington as of June 9, 2022, the driver  
16 resource center and transportation network company must make good  
17 faith efforts to reach an agreement within 120 days of an  
18 organization being selected as the driver resource center under RCW  
19 49.46.310.

20 (B) For a transportation network company who begins operating a  
21 digital network in the state of Washington after an organization has  
22 been selected as the driver resource center under RCW 49.46.310, the  
23 driver resource center and transportation network company must make  
24 good faith efforts to reach an agreement within 120 days of the  
25 transportation network company beginning operation of a digital  
26 network in the state of Washington.

27 (ii) If the driver resource center and transportation network  
28 company cannot reach an agreement, then they are required to submit  
29 issues of dispute before a jointly agreed-upon mediator.

30 (iii) After mediation lasting no more than two months has been  
31 exhausted and no resolution has been reached, then the parties will  
32 proceed to binding arbitration before a panel of arbitrators  
33 consisting of one arbitrator selected by the driver resource center,  
34 one arbitrator selected by the transportation network company, and a  
35 third arbitrator selected by the other two. If the two selected  
36 arbitrators cannot agree to the third arbitrator within 10 days, then  
37 the third arbitrator shall be determined from a list of seven  
38 arbitrators with experience in labor disputes or interest arbitration  
39 designated by the American arbitration association. A coin toss shall  
40 determine which side strikes the first name. Thereafter the other

1 side shall strike a name. The process will continue until only one  
2 name remains, who shall be the third arbitrator. Alternatively, the  
3 driver resource center and the transportation network company may  
4 agree to a single arbitrator.

5 (iv) The arbitrators must submit their decision, based on  
6 majority rule, within 60 days of the panel or arbitrator being  
7 chosen.

8 (v) The decision of the majority of arbitrators is final and  
9 binding and will then be submitted to the director of the department  
10 for final approval.

11 (c) In reviewing any agreement between a transportation network  
12 company and the driver resource center, under (a) of this subsection,  
13 the department shall review the agreement to ensure that its content  
14 is consistent with this subsection and the public policy goals set  
15 forth in this subsection. The department shall consider in its review  
16 both qualitative and quantitative effects of the agreement and how  
17 the agreement comports with the state policies set forth in this  
18 section. In conducting a review, the record shall not be limited to  
19 the submissions of the parties nor to the terms of the proposed  
20 agreement and the department shall have the right to conduct public  
21 hearings and request additional information from the parties,  
22 provided that such information: (i) Is relevant for determining  
23 whether the agreement complies with this subsection; and (ii) does  
24 not contain either parties' confidential, proprietary, or privileged  
25 information, or any individual's personal identifying information  
26 from the parties. The department may approve or reject a proposed  
27 agreement, and may require the parties to submit a revised proposal  
28 on all or particular parts of the proposed agreement. If the  
29 department rejects an agreement, it shall set forth its reasoning in  
30 writing and shall suggest ways the parties may remedy the failures.  
31 Absent good cause, the department shall issue a written determination  
32 regarding its approval or rejection within 60 days of submission of  
33 the agreement.

34 (d) (i) For any account deactivation, the transportation network  
35 company shall provide notification to the driver, at the time of  
36 deactivation, that the driver may have the right to representation by  
37 the driver resource center to appeal the account deactivation.

38 (ii) A transportation network company must provide any driver  
39 whose account is subject to an account deactivation between June 9,  
40 2022, and the effective date of the agreement the contact information

1 of the driver resource center and notification that the driver may  
2 have the right to appeal the account deactivation with representation  
3 by the driver resource center.

4 (16) The department may adopt rules to implement this section.

--- **END** ---