

---

SENATE BILL 5239

---

State of Washington

66th Legislature

2019 Regular Session

By Senators Carlyle, Pedersen, Palumbo, and Mullet

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

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

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

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

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

17 (2) "Commercial transportation services provider" means a  
18 corporation, partnership, sole proprietorship, or other entity,  
19 operating in Washington, that uses a digital network or software  
20 application to ~~((connect passengers to drivers for the purpose of~~  
21 ~~providing)) provide a prearranged ((ride)) commercial transportation~~

1 service. However, a commercial transportation services provider is  
2 not a taxicab company under chapter 81.72 RCW, a charter party or  
3 excursion service carrier under chapter 81.70 RCW, an auto  
4 transportation company under chapter 81.68 RCW, a private, nonprofit  
5 transportation provider under chapter 81.66 RCW, a limousine carrier  
6 under chapter 46.72A RCW, or a commuter ride-sharing or flexible  
7 commuter ride-sharing arrangement under chapter 46.74 RCW. A  
8 commercial transportation services provider is not deemed to own,  
9 control, operate, or manage the (~~(personal)~~) motor vehicles used by  
10 commercial transportation services providers. A commercial  
11 transportation services provider does not include a political  
12 subdivision or other entity exempt from federal income tax under 26  
13 U.S.C. Sec. 115 of the federal internal revenue code.

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

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

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

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

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

35 (6) "~~(ride)~~ commercial transportation service"  
36 means (~~(a route)~~) the transportation of (~~(travel)~~) passengers or  
37 property between points chosen by the passenger or shipper and  
38 arranged with a driver through the use of a commercial transportation  
39 services provider's digital network or software application. The  
40 (~~(ride)~~) prearranged commercial transportation service begins when a

1 driver accepts a (~~requested ride~~) dispatch through a digital  
2 network or software application, continues while the driver  
3 transports the passenger or property in a (~~personal~~) motor vehicle,  
4 and ends when the passenger departs from the (~~personal~~) motor  
5 vehicle or the property is tendered at delivery.

--- END ---