**2382-S AMS LC S5177.1 - NOT FOR FLOOR USE**

**SHB 2382** - S COMM AMD

By Committee on Labor & Commerce

**ADOPTED AS AMENDED 02/28/2024**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 51.32 RCW to read as follows:

(1) In addition to the coverage provided in RCW 51.16.250, death benefits shall be payable in accordance with RCW 51.32.050 when a transportation network company driver's death results from an injury occurring while the driver is:

(a) Logged onto the transportation network company's digital network as available for work;

(b) Physically inside the transportation network company driver's vehicle or within the immediate proximity of the transportation network company driver's vehicle; and

(c) Not otherwise covered by this title.

(2) As applicable, for the purposes of this section, the definitions in RCW 49.46.300 apply.

(3) For the purposes of this section, the applicable statute of limitations begins upon the driver's death.

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

**Sec.**  RCW 51.16.250 and 2022 c 281 s 11 are each amended to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in RCW 49.46.300, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in RCW 49.46.300, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in RCW 49.46.300.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) For a death that is covered under section 1 of this act, the cost of the benefits must be included in the consideration of rate increases for the risk class and not attributed to a single transportation network company. Such cost shall not be included in the calculation of any individual transportation network company's experience modification factor.

(4) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in RCW 49.46.300, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

((~~(4)~~)) (5) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

((~~(5)~~)) (6) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

NEW SECTION. **Sec.**  (1) The legislature recognizes the nature of work is changing and there may be workers who are victims of crime while connected to work through a digital network, online-enabled application, website, or other similar system that are not covered by industrial insurance. The department of labor and industries shall conduct or contract out for a study using administrative and other available data and report to the legislature by July 1, 2029. The study shall include, but not be limited to: The number and frequency of workers filing claims with the department of labor and industries who are victims of crime while connected to work through a digital network, online-enabled application, website, or other similar system; whether those claims were accepted or denied; and if denied, the reason for the denial. The study shall not include remote workers working from their homes.

(2) This section expires December 31, 2029."

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On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 51.16.250; adding a new section to chapter 51.32 RCW; creating a new section; and providing an expiration date."

EFFECT: Requires the Department of Labor and Industries (L&I) to conduct or contract out for a study using administrative and other available data and report to the Legislature by July 1, 2029. The study must include the number and frequency of workers filing claims with L&I who are victims of crime while connected to work through a digital network, online-enabled application, website, or other similar system; whether those claims were accepted or denied; and if denied, the reason for the denial.