

WSR 22-11-080  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES

[Filed May 17, 2022, 3:19 p.m.]

Subject of Possible Rule Making: Transportation network companies and drivers, chapter 296-128 WAC, new section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2076; chapter 49.46 RCW; RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed ESHB 2076 during the 2022 legislative session, which sets new requirements for transportation network companies and gives drivers new rights and protections.

Section 1 (13)(f) of ESHB 2076 requires the department of labor and industries (L&I) to conduct rule making regarding deduction and remittance reimbursements from the driver resource center to a transportation network company. Additional rules are needed to clarify the new requirements for transportation network companies and new driver protections relating to minimum compensation, paid sick leave, retaliation and deactivations, and administrative violations. Rules are also needed to carry out and enforce the new requirements and help L&I coordinate with the driver resource center.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of licensing and Washington state office of the insurance commissioner.

Process for Developing New Rule: L&I will develop the proposed rule language in conjunction with a group of stakeholders, including transportation network company representatives, driver representatives, and other interested parties, with the opportunity for broader interested parties to review and provide input before the proposed rules are filed. The public may also participate after rules are proposed by providing written comments and/or testimony during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bridget Osborne, L&I, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 360-902-5552, email ESRules@Lni.wa.gov.

May 17, 2022  
Joel Sacks  
Director