

SHB 2382 - S COMM AMD

By Committee on Labor & Commerce

ADOPTED AND ENGROSSED 02/28/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature intends to extend
4 survivor death benefits under the industrial insurance act for the
5 surviving dependents of transportation network company drivers when
6 certain conditions are met. The legislature recognizes the
7 devastating impact that such a death has on the surviving family
8 members.

9 (2) By the enactment of section 2 of this act, the legislature
10 honors the memory of transportation network company drivers who have
11 died while working in Washington in recent years, including Cherno
12 Ceesay, who died in 2020, Mohamed Kediye, who died in 2022, Mohamadou
13 Kabba and Amare Geda, who died in 2023, and Abdikadir Gedi Shariif,
14 who died in 2024.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.32
16 RCW to read as follows:

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

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

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

26 (c) Not otherwise covered by this title.

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

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

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

1 **Sec. 3.** RCW 51.16.250 and 2022 c 281 s 11 are each amended to
2 read as follows:

3 (1) Beginning January 1, 2023, the department shall assess
4 premiums for transportation network companies, as defined in RCW
5 49.46.300, in accordance with RCW 51.16.035 and this section, for
6 workers' compensation coverage applicable to drivers, as defined in
7 RCW 49.46.300, while the driver is engaged in passenger platform time
8 and dispatch platform time, as those terms are defined in RCW
9 49.46.300.

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

17 (3) For a death that is covered under section 2 of this act, the
18 cost of the benefits must be included in the consideration of rate
19 increases for the risk class and not attributed to a single
20 transportation network company. Such cost shall not be included in
21 the calculation of any individual transportation network company's
22 experience modification factor.

23 (4) Transportation network companies, not qualifying as a self-
24 insurer, shall insure with the state and shall, on or before the last
25 day of January, April, July, and October of each year thereafter,
26 furnish the department with a true and accurate statement of the
27 hours for which drivers, as defined in RCW 49.46.300, were engaged in
28 passenger platform time and dispatch platform time on the
29 transportation network company's driver platform during the preceding
30 calendar quarter and the total amount paid to such drivers engaged in
31 passenger platform time on the transportation network company's
32 driver platform during the preceding calendar quarter, and shall pay
33 its premium based on the total passenger platform time and dispatch
34 platform time to the appropriate fund. Premiums for a calendar
35 quarter, whether reported or not, shall become due and delinquent on
36 the day immediately following the last day of the month following the
37 calendar quarter. The sufficiency of such statement shall be subject
38 to the approval of the director: PROVIDED, That the director may in
39 his or her discretion and for the effective administration of this
40 title require a transportation network company in individual

1 instances to furnish a supplementary report containing the name of
2 each individual driver, his or her hours engaged in passenger
3 platform time and dispatch platform time on the transportation
4 network company's driver platform, and his or her compensation:
5 PROVIDED FURTHER, That the department may promulgate rules and
6 regulations in accordance with chapter 34.05 RCW to establish other
7 reporting periods and payment due dates in lieu of reports and
8 payments following each calendar quarter, and may also establish
9 terms and conditions for payment of premiums and assessments based on
10 estimated passenger platform time and dispatch platform time on the
11 transportation network company's driver platform, with such payments
12 being subject to approval as to sufficiency of the estimated
13 passenger platform time and dispatch platform time on the
14 transportation network company's driver platform by the department,
15 and also subject to appropriate periodic adjustments made by the
16 department based on actual passenger platform time and dispatch
17 platform time on the transportation network company's driver
18 platform.

19 ~~((4))~~ (5) The department may adopt rules to carry out the
20 purposes of this section, including rules providing for alternative
21 reporting requirements.

22 ~~((5))~~ (6) This section does not apply to any worker who is not
23 a driver, and who is employed by the transportation network company.
24 For those workers the processes for determining coverage, calculating
25 premiums, reporting requirements, reporting periods, and payment due
26 dates are subject to the provisions of this title that apply
27 generally to employers and workers.

28 NEW SECTION. **Sec. 4.** (1) The department of labor and industries
29 shall conduct or contract out for a study using administrative and
30 other available data and report to the legislature by July 1, 2029.
31 The study shall include, but not be limited to: The number and
32 frequency of transportation network company drivers filing claims
33 with the department of labor and industries who are victims of crime
34 while connected to work through a transportation network company's
35 digital network; whether those claims were accepted or denied; and if
36 denied, the reason for the denial. The study shall not include remote
37 workers working from their homes.

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

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

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