

HOUSE BILL REPORT

HB 1402

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to job postings requiring driver's licenses.

Brief Description: Concerning job postings requiring driver's licenses.

Sponsors: Representatives Scott, Farivar, Davis, Berry, Thai, Fitzgibbon, Mena, Duerr, Parshley, Taylor, Reed, Gregerson, Doglio, Springer, Fosse, Pollet, Ryu, Street, Hill and Macri.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/28/25, 2/7/25 [DP].

Brief Summary of Bill

- Prohibits, under certain circumstances, an employer from including a statement in a job posting that an applicant must have a driver's license.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 5 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Bronoske and Obras.

Minority Report: Without recommendation. Signed by 3 members: Representatives Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; McEntire.

Staff: Jim Morishima (786-7191).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Washington Law Against Discrimination (WLAD) protects members of specified protected classes from discrimination, including discrimination based on race, creed, national origin, immigration or citizenship status, or veteran status. The Human Rights Commission (Commission) administers and enforces the WLAD. If the Commission finds that there is reasonable cause to believe unlawful discrimination has occurred, it must first attempt to resolve the issue through conference and conciliation. If this process fails, the Commission must refer the matter to an administrative law judge.

The WLAD establishes certain unfair practices relating to a person's membership in a protected class. For example, it is an unfair practice for an employer to require an employee to disclose the employee's, or another employee's, sincerely held religious affiliation or beliefs.

Summary of Bill:

It is an unfair practice under the Washington Law Against Discrimination for an employer to include a statement in a job advertisement, posting, application, or other material that an applicant must have a valid driver's license, unless:

- the employer reasonably expects driving to be an essential job function; and
- the employer reasonably believes it would not be comparable in travel time or cost to use an alternative form of transportation, including a ride hailing service, using a taxi, carpooling, bicycling, walking, or transit.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Requiring a driver's license on a job application is like a "do not enter" sign for many, including individuals with disabilities, recent immigrants, and individuals who cannot afford cars. A driver's license is an unnecessary requirement in many circumstances. There are alternatives to driving a car, such as public transportation. Some employers will not accept a state-issue identification card in lieu of a driver's license, which puts people in the position of lying on the application or not applying for the job. This bill will bring non-drivers to the table. This bill will allow individuals with all backgrounds and abilities to seek employment and will lead to more accessible employment practices. The term "essential function" is defined in the federal Americans with Disabilities Act. Calling

driving an essential function eliminates qualified people from consideration.

(Opposed) None.

(Other) The intent behind this bill is supported, but the bill lacks clarity. The term "reasonably believes" is ambiguous and could mean different things to different individuals. The term "essential" should be defined or clarified. Rule making and a small business economic impact statement would be necessary. This bill lacks an outreach component.

Persons Testifying: (In support) Representative Shaun Scott, prime sponsor; Anna Zivarts, Disability Rights Washington; Kyrstal Monteros; Hayley Edick; Judy Jones; and Marci Carpenter, National Federation of the Blind of Washington.

(Opposed) None.

(Other) Mike Ennis, Building Industry Association of Washington; Rose Gundersen, WA Retail Association.

Persons Signed In To Testify But Not Testifying: None.