

WSR 24-08-026
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 26, 2024, 8:51 a.m.]

Subject of Possible Rule Making: Transportation network companies (TNC) classification and TNC death benefit rule. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.04.020(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.16.035 requires the department of labor and industries (L&I) to classify all occupations or industries by degree of hazard. L&I has researched and evaluated the impact of TNCs on Classification 1401 Taxi and determined TNCs represent at least 95 percent of the classification. We are considering creating a new risk classification and premium rate for TNCs.

In addition, we anticipate creating a rule to address implementation of 2024's SHB 2382 TNC death benefits, which provides for TNC driver death benefits during non-covered times in certain circumstances.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Agency study; and parties interested in this rule making may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. A public hearing will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email JoAnne.Attwood@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=TNC&ruleTopic=Workers%27%20Comp>.

March 26, 2024
Joel Sacks
Director