
SUBSTITUTE HOUSE BILL 2382

State of Washington

68th Legislature

2024 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Berry, Lekanoff, Reed, Bronoske, Fosse, Pollet, and Ormsby)

1 AN ACT Relating to death benefits applicable to drivers of
2 transportation network companies; amending RCW 51.16.250; and adding
3 a new section to chapter 51.32 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32
6 RCW to read as follows:

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

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

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

16 (c) Not otherwise covered by this title.

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

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

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

1 **Sec. 2.** 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 1 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.

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