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**SUBSTITUTE HOUSE BILL 2382**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

**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)

READ FIRST TIME 01/31/24.

1            AN ACT Relating to death benefits applicable to drivers of  
2 transportation network companies; amending RCW 51.16.250; adding a  
3 new section to chapter 51.32 RCW; creating new sections; and  
4 providing an expiration date.

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

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

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

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

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

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

7 (b) Physically inside the transportation network company driver's  
8 vehicle or within the immediate proximity of the transportation  
9 network company driver's vehicle; and

10 (c) Not otherwise covered by this title.

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

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

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

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

18 (1) Beginning January 1, 2023, the department shall assess  
19 premiums for transportation network companies, as defined in RCW  
20 49.46.300, in accordance with RCW 51.16.035 and this section, for  
21 workers' compensation coverage applicable to drivers, as defined in  
22 RCW 49.46.300, while the driver is engaged in passenger platform time  
23 and dispatch platform time, as those terms are defined in RCW  
24 49.46.300.

25 (2) For the purposes of calculating the premium for drivers under  
26 subsection (1) of this section, the department shall multiply the  
27 total number of hours spent by drivers in passenger platform time and  
28 dispatch platform time on the transportation network company's driver  
29 platform by the rates established for taxicab companies. The  
30 department may subsequently adjust premiums in accordance with  
31 department rules.

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

38 (4) Transportation network companies, not qualifying as a self-  
39 insurer, shall insure with the state and shall, on or before the last

1 day of January, April, July, and October of each year thereafter,  
2 furnish the department with a true and accurate statement of the  
3 hours for which drivers, as defined in RCW 49.46.300, were engaged in  
4 passenger platform time and dispatch platform time on the  
5 transportation network company's driver platform during the preceding  
6 calendar quarter and the total amount paid to such drivers engaged in  
7 passenger platform time on the transportation network company's  
8 driver platform during the preceding calendar quarter, and shall pay  
9 its premium based on the total passenger platform time and dispatch  
10 platform time to the appropriate fund. Premiums for a calendar  
11 quarter, whether reported or not, shall become due and delinquent on  
12 the day immediately following the last day of the month following the  
13 calendar quarter. The sufficiency of such statement shall be subject  
14 to the approval of the director: PROVIDED, That the director may in  
15 his or her discretion and for the effective administration of this  
16 title require a transportation network company in individual  
17 instances to furnish a supplementary report containing the name of  
18 each individual driver, his or her hours engaged in passenger  
19 platform time and dispatch platform time on the transportation  
20 network company's driver platform, and his or her compensation:  
21 PROVIDED FURTHER, That the department may promulgate rules and  
22 regulations in accordance with chapter 34.05 RCW to establish other  
23 reporting periods and payment due dates in lieu of reports and  
24 payments following each calendar quarter, and may also establish  
25 terms and conditions for payment of premiums and assessments based on  
26 estimated passenger platform time and dispatch platform time on the  
27 transportation network company's driver platform, with such payments  
28 being subject to approval as to sufficiency of the estimated  
29 passenger platform time and dispatch platform time on the  
30 transportation network company's driver platform by the department,  
31 and also subject to appropriate periodic adjustments made by the  
32 department based on actual passenger platform time and dispatch  
33 platform time on the transportation network company's driver  
34 platform.

35 ~~((4))~~ (5) The department may adopt rules to carry out the  
36 purposes of this section, including rules providing for alternative  
37 reporting requirements.

38 ~~((5))~~ (6) This section does not apply to any worker who is not  
39 a driver, and who is employed by the transportation network company.  
40 For those workers the processes for determining coverage, calculating

1 premiums, reporting requirements, reporting periods, and payment due  
2 dates are subject to the provisions of this title that apply  
3 generally to employers and workers.

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

14 (2) This section expires December 31, 2029.

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