

ESHB 2131 - S COMM AMD

By Committee on Transportation

ADOPTED 4/13/2015

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Personal vehicle" means a vehicle that is used by a
7 transportation network company driver in connection with providing
8 services for a transportation network company and that is authorized
9 by the transportation network company.

10 (2) "Prearranged ride" means a route of travel between points
11 chosen by the passenger and arranged with a driver through the use of
12 a transportation network company's digital network or software
13 application. The ride begins when a driver accepts a requested ride
14 through a digital network or software application, continues while
15 the driver transports the passenger in a personal vehicle, and ends
16 when the passenger departs from the personal vehicle.

17 (3) "Transportation network company" means a corporation,
18 partnership, sole proprietorship, or other entity, operating in
19 Washington, that uses a digital network or software application to
20 connect passengers to drivers for the purpose of providing a
21 prearranged ride. However, a transportation network company is not a
22 taxicab company under chapter 81.72 RCW, a charter party or excursion
23 service carrier under chapter 81.70 RCW, an auto transportation
24 company under chapter 81.68 RCW, a private, nonprofit transportation
25 provider under chapter 81.66 RCW, or a limousine carrier under
26 chapter 46.72A RCW. A transportation network company is not deemed to
27 own, control, operate, or manage the personal vehicles used by
28 transportation network company drivers. A transportation network
29 company does not include a political subdivision or other entity
30 exempt from federal income tax under 26 U.S.C. Sec. 115 of the
31 federal internal revenue code.

32 (4) "Transportation network company driver" or "driver" means an
33 individual who uses a personal vehicle to provide services for

1 passengers matched through a transportation network company's digital
2 network or software application.

3 (5) "Transportation network company passenger" or "passenger"
4 means a passenger in a personal vehicle for whom transport is
5 provided, including:

6 (a) An individual who uses a transportation network company's
7 digital network or software application to connect with a driver to
8 obtain services in the driver's vehicle for the individual and anyone
9 in the individual's party; or

10 (b) Anyone for whom another individual uses a transportation
11 network company's digital network or software application to connect
12 with a driver to obtain services in the driver's vehicle.

13 (6) "Transportation network company services" or "services" means
14 all times the driver is logged in to a transportation network
15 company's digital network or software application or until the
16 passenger has left the personal vehicle, whichever is later. The term
17 does not include services provided either directly or under contract
18 with a political subdivision or other entity exempt from federal
19 income tax under 26 U.S.C. Sec. 115 of the federal internal revenue
20 code.

21 NEW SECTION. **Sec. 2.** (1)(a) Before being used to provide
22 transportation network company services, every personal vehicle must
23 be covered by a primary automobile insurance policy that specifically
24 covers transportation network company services. However, the
25 insurance coverage requirements of this section are alternatively
26 satisfied by securing coverage pursuant to chapter 46.72 or 46.72A
27 RCW that covers the personal vehicle being used to provide
28 transportation network company services and that is in effect twenty-
29 four hours per day, seven days per week. Except as provided in
30 subsection (2) of this section, a transportation network company must
31 secure this policy for every personal vehicle used to provide
32 transportation network company services. For purposes of this
33 section, a "primary automobile insurance policy" is not a private
34 passenger automobile insurance policy.

35 (b) The primary automobile insurance policy required under this
36 section must provide coverage, as specified in this subsection
37 (1)(b), at all times the driver is logged in to a transportation
38 network company's digital network or software application and at all
39 times a passenger is in the vehicle as part of a prearranged ride.

1 (i) The primary automobile insurance policy required under this
2 subsection must provide the following coverage during transportation
3 network company services applicable during the period before a driver
4 accepts a requested ride through a digital network or software
5 application:

6 (A) Liability coverage in an amount no less than fifty thousand
7 dollars per person for bodily injury, one hundred thousand dollars
8 per accident for bodily injury of all persons, and thirty thousand
9 dollars for damage to property;

10 (B) Underinsured motorist coverage to the extent required under
11 RCW 48.22.030; and

12 (C) Personal injury protection coverage to the extent required
13 under RCW 48.22.085 and 48.22.095.

14 (ii) The primary automobile insurance policy required under this
15 subsection must provide the following coverage, applicable during the
16 period of a prearranged ride:

17 (A) Combined single limit liability coverage in the amount of one
18 million dollars for death, personal injury, and property damage;

19 (B) Underinsured motorist coverage in the amount of one million
20 dollars; and

21 (C) Personal injury protection coverage to the extent required
22 under RCW 48.22.085 and 48.22.095.

23 (2)(a) As an alternative to the provisions of subsection (1) of
24 this section, if the office of the insurance commissioner approves
25 the offering of an insurance policy that recognizes that a person is
26 acting as a transportation network company driver and using a
27 personal vehicle to provide transportation network company services,
28 a driver may secure a primary automobile insurance policy covering a
29 personal vehicle and providing the same coverage as required in
30 subsection (1) of this section. The policy coverage may be in the
31 form of a rider to, or endorsement of, the driver's private passenger
32 automobile insurance policy only if approved as such by the office of
33 the insurance commissioner.

34 (b) If the primary automobile insurance policy maintained by a
35 driver to meet the obligation of this section does not provide
36 coverage for any reason, including that the policy lapsed or did not
37 exist, the transportation network company must provide the coverage
38 required under this section beginning with the first dollar of a
39 claim.

1 (c) The primary automobile insurance policy required under this
2 subsection and subsection (1) of this section may be secured by any
3 of the following:

4 (i) The transportation network company as provided under
5 subsection (1) of this section;

6 (ii) The driver as provided under (a) of this subsection; or

7 (iii) A combination of both the transportation network company
8 and the driver.

9 (3) The insurer or insurers providing coverage under subsections
10 (1) and (2) of this section are the only insurers having the duty to
11 defend any liability claim from an accident occurring while
12 transportation network company services are being provided.

13 (4) In addition to the requirements in subsections (1) and (2) of
14 this section, before allowing a person to provide transportation
15 network company services as a driver, a transportation network
16 company must provide written proof to the driver that the
17 transportation network company driver is covered by a primary
18 automobile insurance policy that meets the requirements of this
19 section. Alternatively, if a driver purchases a primary automobile
20 insurance policy as allowed under subsection (2) of this section, the
21 transportation network company must verify that the driver has done
22 so.

23 (5) A primary automobile insurance policy required under
24 subsection (1) or (2) of this section may be placed with an insurer
25 licensed under this title to provide insurance in the state of
26 Washington or as an eligible surplus line insurance policy as
27 described in RCW 48.15.040.

28 (6) Insurers that write automobile insurance in Washington may
29 exclude any and all coverage afforded under a private passenger
30 automobile insurance policy issued to an owner or operator of a
31 personal vehicle for any loss or injury that occurs while a
32 transportation network company driver is logged into a transportation
33 network company's digital network or while a driver provides a
34 prearranged ride. This right to exclude all coverage may apply to any
35 coverage included in a private passenger automobile insurance policy
36 including, but not limited to:

37 (a) Liability coverage for bodily injury and property damage;

38 (b) Personal injury protection coverage;

39 (c) Underinsured motorist coverage;

40 (d) Medical payments coverage;

1 (e) Comprehensive physical damage coverage; and

2 (f) Collision physical damage coverage.

3 (7) Nothing in this section shall be construed to require a
4 private passenger automobile insurance policy to provide primary or
5 excess coverage or a duty to defend for the period of time in which a
6 driver is logged in to a transportation network company's digital
7 network or software application or while the driver is engaged in a
8 prearranged ride or the driver otherwise uses a vehicle to transport
9 passengers for compensation.

10 (8) Insurers that exclude coverage under subsection (6) of this
11 section have no duty to defend or indemnify any claim expressly
12 excluded under subsection (6) of this section. Nothing in this
13 section shall be deemed to invalidate or limit an exclusion contained
14 in a policy, including any policy in use or approved for use in
15 Washington state before the effective date of this section that
16 excludes coverage for vehicles used to carry persons or property for
17 a charge or available for hire by the public.

18 (9) An exclusion exercised by an insurer in subsection (6) of
19 this section applies to any coverage selected or rejected by a named
20 insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or
21 endorsement by a driver under subsection (2)(a) of this section does
22 not require a separate coverage rejection under RCW 48.22.030 or
23 48.22.085.

24 (10) If more than one insurance policy provides valid and
25 collectible coverage for a loss arising out of an occurrence
26 involving a motor vehicle operated by a driver, the responsibility
27 for the claim must be divided as follows:

28 (a) Except as provided otherwise under subsection (2)(c) of this
29 section, if the driver has been matched with a passenger and is
30 traveling to pick up the passenger, or the driver is providing
31 services to a passenger, the transportation network company that
32 matched the driver and passenger must provide insurance coverage; or

33 (b) If the driver is logged in to more than one transportation
34 network company digital network or software application but has not
35 been matched with a passenger, the liability must be divided equally
36 among all of the applicable insurance policies that specifically
37 provide coverage for transportation network company services.

38 (11) In an accident or claims coverage investigation, a
39 transportation network company or its insurer must cooperate with a
40 private passenger automobile insurance policy insurer and other

1 insurers that are involved in the claims coverage investigation to
2 facilitate the exchange of information, including the provision of
3 (a) dates and times at which an accident occurred that involved a
4 participating driver and (b) within ten business days after receiving
5 a request, a copy of the company's electronic record showing the
6 precise times that the participating driver logged on and off the
7 transportation network company's digital network or software
8 application on the day the accident or other loss occurred. The
9 transportation network company or its insurer must retain all data,
10 communications, or documents related to insurance coverage or
11 accident details for a period of not less than the applicable
12 statutes of limitation, plus two years from the date of an accident
13 to which those records pertain.

14 (12) This section does not modify or abrogate any otherwise
15 applicable insurance requirement set forth in this title.

16 (13) After July 1, 2016, an insurance company regulated under
17 this title may not deny an otherwise covered claim arising
18 exclusively out of the personal use of the private passenger
19 automobile solely on the basis that the insured, at other times, used
20 the private passenger automobile covered by the policy to provide
21 transportation network company services.

22 (14) If a transportation network company's insurer makes a
23 payment for a claim covered under comprehensive coverage or collision
24 coverage, the transportation network company must cause its insurer
25 to issue the payment directly to the business repairing the vehicle
26 or jointly to the owner of the vehicle and the primary lienholder on
27 the covered vehicle.

28 (15)(a) To be eligible for securing a primary automobile
29 insurance policy under this section, a transportation network company
30 must make the following disclosures to a prospective driver in the
31 prospective driver's terms of service:

32 WHILE OPERATING ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL
33 NETWORK OR SOFTWARE APPLICATION, YOUR PRIVATE PASSENGER AUTOMOBILE
34 INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST,
35 PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE,
36 DEPENDING ON THE TERMS OF THE POLICY.

37 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION
38 NETWORK COMPANY SERVICES FOR OUR TRANSPORTATION NETWORK COMPANY HAS A
39 LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE

1 USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES THAT
2 MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

3 (b) The prospective driver must acknowledge the terms of service
4 electronically or by signature.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.72
6 RCW to read as follows:

7 RCW 46.72.040 and 46.72.050 do not apply to personal vehicles
8 under chapter 48.--- RCW (the new chapter created in section 11 of
9 this act).

10 **Sec. 4.** RCW 51.12.020 and 2013 c 141 s 3 are each amended to
11 read as follows:

12 The following are the only employments which shall not be
13 included within the mandatory coverage of this title:

14 (1) Any person employed as a domestic servant in a private home
15 by an employer who has less than two employees regularly employed
16 forty or more hours a week in such employment.

17 (2) Any person employed to do gardening, maintenance, or repair,
18 in or about the private home of the employer. For the purposes of
19 this subsection, "maintenance" means the work of keeping in proper
20 condition, "repair" means to restore to sound condition after damage,
21 and "private home" means a person's place of residence.

22 (3) A person whose employment is not in the course of the trade,
23 business, or profession of his or her employer and is not in or about
24 the private home of the employer.

25 (4) Any person performing services in return for aid or
26 sustenance only, received from any religious or charitable
27 organization.

28 (5) Sole proprietors or partners.

29 (6) Any child under eighteen years of age employed by his or her
30 parent or parents in agricultural activities on the family farm.

31 (7) Jockeys while participating in or preparing horses for race
32 meets licensed by the Washington horse racing commission pursuant to
33 chapter 67.16 RCW.

34 (8)(a) Except as otherwise provided in (b) of this subsection,
35 any bona fide officer of a corporation voluntarily elected or
36 voluntarily appointed in accordance with the articles of
37 incorporation or bylaws of the corporation, who at all times during

1 the period involved is also a bona fide director, and who is also a
2 shareholder of the corporation. Only such officers who exercise
3 substantial control in the daily management of the corporation and
4 whose primary responsibilities do not include the performance of
5 manual labor are included within this subsection.

6 (b) Alternatively, a corporation that is not a "public company"
7 as defined in RCW 23B.01.400 may exempt eight or fewer bona fide
8 officers, who are voluntarily elected or voluntarily appointed in
9 accordance with the articles of incorporation or bylaws of the
10 corporation and who exercise substantial control in the daily
11 management of the corporation, from coverage under this title without
12 regard to the officers' performance of manual labor if the exempted
13 officer is a shareholder of the corporation, or may exempt any number
14 of officers if all the exempted officers are related by blood within
15 the third degree or marriage. If a corporation that is not a "public
16 company" elects to be covered under subsection (8)(a) of this
17 section, the corporation's election must be made on a form prescribed
18 by the department and under such reasonable rules as the department
19 may adopt.

20 (c) Determinations respecting the status of persons performing
21 services for a corporation shall be made, in part, by reference to
22 Title 23B RCW and to compliance by the corporation with its own
23 articles of incorporation and bylaws. For the purpose of determining
24 coverage under this title, substance shall control over form, and
25 mandatory coverage under this title shall extend to all workers of
26 this state, regardless of honorary titles conferred upon those
27 actually serving as workers.

28 (d) A corporation may elect to cover officers who are exempted by
29 this subsection in the manner provided by RCW 51.12.110.

30 (9) Services rendered by a musician or entertainer under a
31 contract with a purchaser of the services, for a specific engagement
32 or engagements when such musician or entertainer performs no other
33 duties for the purchaser and is not regularly and continuously
34 employed by the purchaser. A purchaser does not include the leader of
35 a group or recognized entity who employs other than on a casual basis
36 musicians or entertainers.

37 (10) Services performed by a newspaper vendor, carrier, or
38 delivery person selling or distributing newspapers on the street, to
39 offices, to businesses, or from house to house and any freelance news
40 correspondent or "stringer" who, using his or her own equipment,

1 chooses to submit material for publication for free or a fee when
2 such material is published.

3 (11) Services performed by an insurance producer, as defined in
4 RCW 48.17.010, or a surplus line broker licensed under chapter 48.15
5 RCW.

6 (12) Services performed by a booth renter. However, a person
7 exempted under this subsection may elect coverage under RCW
8 51.32.030.

9 (13) Members of a limited liability company, if either:

10 (a) Management of the company is vested in its members, and the
11 members for whom exemption is sought would qualify for exemption
12 under subsection (5) of this section were the company a sole
13 proprietorship or partnership; or

14 (b) Management of the company is vested in one or more managers,
15 and the members for whom the exemption is sought are managers who
16 would qualify for exemption under subsection (8) of this section were
17 the company a corporation.

18 (14) A driver providing transportation network company services
19 as defined in section 1 of this act. The driver may elect coverage in
20 the manner provided by RCW 51.32.030.

21 (15) For hire vehicle operators under chapter 46.72 RCW who own
22 or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW
23 who own or lease the limousine, and operators of taxicabs under
24 chapter 81.72 RCW who own or lease the taxicab. An owner or lessee
25 may elect coverage in the manner provided by RCW 51.32.030.

26 **Sec. 5.** RCW 51.12.185 and 2011 c 190 s 4 are each amended to
27 read as follows:

28 (1) (~~In order to assist the department with controlling costs~~
29 ~~related to the self-monitoring of industrial insurance claims by~~
30 ~~independent owner-operated for hire vehicle, limousine, and taxicab~~
31 ~~businesses,~~) The department may appoint a panel of individuals with
32 for hire vehicle, limousine, or taxicab transportation industry
33 experience and expertise to advise the department.

34 (2) The owner or lessee of any for hire, limousine, or taxicab
35 vehicle (~~subject to mandatory industrial insurance pursuant to RCW~~
36 ~~51.12.183)) is eligible for inclusion in a retrospective rating
37 program authorized and established pursuant to chapter 51.18 RCW.~~

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.29
2 RCW to read as follows:

3 This chapter does not apply to the coverage exclusions under
4 section 2(6) of this act.

5 **Sec. 7.** RCW 48.22.030 and 2009 c 549 s 7106 are each amended to
6 read as follows:

7 (1) "Underinsured motor vehicle" means a motor vehicle with
8 respect to the ownership, maintenance, or use of which either no
9 bodily injury or property damage liability bond or insurance policy
10 applies at the time of an accident, or with respect to which the sum
11 of the limits of liability under all bodily injury or property damage
12 liability bonds and insurance policies applicable to a covered person
13 after an accident is less than the applicable damages which the
14 covered person is legally entitled to recover.

15 (2) No new policy or renewal of an existing policy insuring
16 against loss resulting from liability imposed by law for bodily
17 injury, death, or property damage, suffered by any person arising out
18 of the ownership, maintenance, or use of a motor vehicle shall be
19 issued with respect to any motor vehicle registered or principally
20 garaged in this state unless coverage is provided therein or
21 supplemental thereto for the protection of persons insured thereunder
22 who are legally entitled to recover damages from owners or operators
23 of underinsured motor vehicles, hit-and-run motor vehicles, and
24 phantom vehicles because of bodily injury, death, or property damage,
25 resulting therefrom, except while operating or occupying a motorcycle
26 or motor-driven cycle, and except while operating or occupying a
27 motor vehicle owned or available for the regular use by the named
28 insured or any family member, and which is not insured under the
29 liability coverage of the policy. The coverage required to be offered
30 under this chapter is not applicable to general liability policies,
31 commonly known as umbrella policies, or other policies which apply
32 only as excess to the insurance directly applicable to the vehicle
33 insured.

34 (3) Except as to property damage, coverage required under
35 subsection (2) of this section shall be in the same amount as the
36 insured's third party liability coverage unless the insured rejects
37 all or part of the coverage as provided in subsection (4) of this
38 section. Coverage for property damage need only be issued in
39 conjunction with coverage for bodily injury or death. Property damage

1 coverage required under subsection (2) of this section shall mean
2 physical damage to the insured motor vehicle unless the policy
3 specifically provides coverage for the contents thereof or other
4 forms of property damage.

5 (4) A named insured or spouse may reject, in writing,
6 underinsured coverage for bodily injury or death, or property damage,
7 and the requirements of subsections (2) and (3) of this section shall
8 not apply. If a named insured or spouse has rejected underinsured
9 coverage, such coverage shall not be included in any supplemental or
10 renewal policy unless a named insured or spouse subsequently requests
11 such coverage in writing. The requirement of a written rejection
12 under this subsection shall apply only to the original issuance of
13 policies issued after July 24, 1983, and not to any renewal or
14 replacement policy. When a named insured or spouse chooses a property
15 damage coverage that is less than the insured's third party liability
16 coverage for property damage, a written rejection is not required.

17 (5) The limit of liability under the policy coverage may be
18 defined as the maximum limits of liability for all damages resulting
19 from any one accident regardless of the number of covered persons,
20 claims made, or vehicles or premiums shown on the policy, or premiums
21 paid, or vehicles involved in an accident.

22 (6) The policy may provide that if an injured person has other
23 similar insurance available to him or her under other policies, the
24 total limits of liability of all coverages shall not exceed the
25 higher of the applicable limits of the respective coverages.

26 (7)(a) The policy may provide for a deductible of not more than
27 three hundred dollars for payment for property damage when the damage
28 is caused by a hit-and-run driver or a phantom vehicle.

29 (b) In all other cases of underinsured property damage coverage,
30 the policy may provide for a deductible of not more than one hundred
31 dollars.

32 (8) For the purposes of this chapter, a "phantom vehicle" shall
33 mean a motor vehicle which causes bodily injury, death, or property
34 damage to an insured and has no physical contact with the insured or
35 the vehicle which the insured is occupying at the time of the
36 accident if:

37 (a) The facts of the accident can be corroborated by competent
38 evidence other than the testimony of the insured or any person having
39 an underinsured motorist claim resulting from the accident; and

1 (b) The accident has been reported to the appropriate law
2 enforcement agency within seventy-two hours of the accident.

3 (9) An insurer who elects to write motorcycle or motor-driven
4 cycle insurance in this state must provide information to prospective
5 insureds about the coverage.

6 (10) An insurer who elects to write motorcycle or motor-driven
7 cycle insurance in this state must provide an opportunity for named
8 insureds, who have purchased liability coverage for a motorcycle or
9 motor-driven cycle, to reject underinsured coverage for that
10 motorcycle or motor-driven cycle in writing.

11 (11) If the covered person seeking underinsured motorist coverage
12 under this section was the intended victim of the tortfeasor, the
13 incident must be reported to the appropriate law enforcement agency
14 and the covered person must cooperate with any related law
15 enforcement investigation.

16 (12) The purpose of this section is to protect innocent victims
17 of motorists of underinsured motor vehicles. Covered persons are
18 entitled to coverage without regard to whether an incident was
19 intentionally caused. However, a person is not entitled to coverage
20 if the insurer can demonstrate that the covered person intended to
21 cause the event for which a claim is made under the coverage
22 described in this section. As used in this section, and in the
23 section of policies providing the underinsured motorist coverage
24 described in this section, "accident" means an occurrence that is
25 unexpected and unintended from the standpoint of the covered person.

26 (13) "Underinsured coverage," for the purposes of this section,
27 means coverage for "underinsured motor vehicles," as defined in
28 subsection (1) of this section.

29 (14) The coverage under this section may be excluded as provided
30 for under section 2(6) of this act.

31 **Sec. 8.** RCW 48.22.085 and 2003 c 115 s 2 are each amended to
32 read as follows:

33 (1) No new automobile liability insurance policy or renewal of
34 such an existing policy may be issued unless personal injury
35 protection coverage is offered as an optional coverage.

36 (2) A named insured may reject, in writing, personal injury
37 protection coverage and the requirements of subsection (1) of this
38 section shall not apply. If a named insured rejects personal injury
39 protection coverage:

1 (a) That rejection is valid and binding as to all levels of
2 coverage and on all persons who might have otherwise been insured
3 under such coverage; and

4 (b) The insurer is not required to include personal injury
5 protection coverage in any supplemental, renewal, or replacement
6 policy unless a named insured subsequently requests such coverage in
7 writing.

8 (3) The coverage under this section may be excluded as provided
9 for under section 2(6) of this act.

10 **Sec. 9.** RCW 48.22.095 and 2003 c 115 s 4 are each amended to
11 read as follows:

12 (1) Insurers providing automobile insurance policies must offer
13 minimum personal injury protection coverage for each insured with
14 benefit limits as follows:

15 ~~((+1))~~ (a) Medical and hospital benefits of ten thousand
16 dollars;

17 ~~((+2))~~ (b) A funeral expense benefit of two thousand dollars;

18 ~~((+3))~~ (c) Income continuation benefits of ten thousand dollars,
19 subject to a limit of two hundred dollars per week; and

20 ~~((+4))~~ (d) Loss of services benefits of five thousand dollars,
21 subject to a limit of two hundred dollars per week.

22 (2) The coverage under this section may be excluded as provided
23 for under section 2(6) of this act.

24 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 46.72.073 (Certificate suspension or revocation—Failure
27 to pay industrial insurance premiums—Rules—Cooperative agreements)
28 and 2011 c 190 s 5;

29 (2) RCW 46.72A.053 (Certificate suspension or revocation—Failure
30 to pay industrial insurance premiums—Rules—Cooperative agreements)
31 and 2011 c 190 s 6;

32 (3) RCW 51.12.180 (For hire vehicle businesses and operators—
33 Findings—Declaration) and 2011 c 190 s 1;

34 (4) RCW 51.12.183 (For hire vehicle businesses and operators—
35 Mandatory coverage—Definitions) and 2011 c 190 s 2;

36 (5) RCW 51.16.240 (For hire vehicle businesses and operators—
37 Basis for premiums—Rules) and 2011 c 190 s 3; and

1 (6) RCW 81.72.230 (License suspension or revocation—Failure to
2 pay industrial insurance premiums—Rules—Cooperative agreements) and
3 2011 c 190 s 7.

4 NEW SECTION. **Sec. 11.** Sections 1 and 2 of this act constitute a
5 new chapter in Title 48 RCW."

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By Committee on Transportation

ADOPTED 4/13/2015

6 On page 1, line 2 of the title, after "services;" strike the
7 remainder of the title and insert "amending RCW 51.12.020, 51.12.185,
8 48.22.030, 48.22.085, and 48.22.095; adding a new section to chapter
9 46.72 RCW; adding a new section to chapter 46.29 RCW; adding a new
10 chapter to Title 48 RCW; and repealing RCW 46.72.073, 46.72A.053,
11 51.12.180, 51.12.183, 51.16.240, and 81.72.230."

EFFECT: (1) Changes the names in the defined terms from
"commercial transportation services provider" to "transportation
network company," and "commercial transportation services" to
"transportation network company services."

(2) Removes the requirement to have uninsured and underinsured
motorist coverage during the period before a driver accepts a
requested ride, but maintains current law requirement that
underinsured motorist coverage be offered.

(3) Removes the requirement to have personal injury protection
coverage and comprehensive and collision coverage at any time, but
maintains current law requirement that personal injury protection
coverage be offered.

(4) Requires a transportation network company (TNC) to provide
written proof to the driver that the driver is covered by an
insurance policy meeting the applicable requirements.

(5) Allows insurers to exclude any and all coverage under a
private passenger automobile insurance policy related to the use of
the vehicle for TNC services.

(6) Requires claims payments under comprehensive coverage or
collision coverage, if applicable, to be made directly to the
business repairing the vehicle or jointly to the vehicle owner and
the primary lienholder on the covered vehicle.

(7) Clarifies that the insurance requirements under the "for hire
vehicle" laws do not apply to vehicles used for TNC services.

(8) Exempts TNC drivers, for hire vehicle operators, limousine
chauffeurs, and taxicab operators from workers' compensation
requirements.

--- END ---