
ENGROSSED SUBSTITUTE SENATE BILL 5550

State of Washington

64th Legislature

2015 Regular Session

By Senate Transportation (originally sponsored by Senators Habib and Fain)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to providers of commercial transportation
2 services; amending RCW 18.235.020, 46.72.010, 51.12.020, and
3 81.72.240; reenacting and amending RCW 42.56.270 and 43.79A.040;
4 adding a new chapter to Title 46 RCW; and repealing RCW 46.72.073,
5 46.72A.053, 51.12.180, 51.12.183, 51.12.185, 51.16.240, and
6 81.72.230.

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

8 NEW SECTION. **Sec. 1.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Department" means the department of licensing.

12 (2) "Personal vehicle" means a vehicle that is used by a
13 transportation network company driver in connection with providing
14 services for a transportation network company that meets the vehicle
15 criteria in this chapter and that is authorized by the transportation
16 network company.

17 (3) "Prearranged ride" means a route of travel between points
18 chosen by the passenger and arranged with a driver through the use of
19 a transportation network company's digital network or software
20 application. The ride begins when a driver accepts a requested ride
21 through a digital network or software application, continues while

1 the driver transports the passenger in a personal vehicle, and ends
2 when the passenger departs from the personal vehicle.

3 (4) "Transportation network company" means a corporation,
4 partnership, sole proprietorship, or other entity, operating in
5 Washington, that uses a digital network or software application to
6 connect passengers to drivers for the purpose of providing a
7 prearranged ride. A transportation network company is neither a
8 taxicab company, passenger charter carrier, or auto transportation
9 company, as described in Title 81 RCW, nor a limousine or for hire
10 operator, as defined in this title. A transportation network company
11 is not deemed to own, control, operate, or manage the personal
12 vehicles used by transportation network company drivers. A
13 transportation network company does not include a political
14 subdivision or other entity exempt from federal income tax under 26
15 U.S.C. Sec. 115 of the federal internal revenue code.

16 (5) "Transportation network company driver" or "driver" means an
17 individual who uses a personal vehicle to provide services for
18 passengers matched through a transportation network company's digital
19 network or software application. A driver is not a for hire operator
20 as that term is used in this title.

21 (6) "Transportation network company passenger" or "passenger"
22 means a passenger in a personal vehicle for whom transport is
23 provided, including:

24 (a) An individual who uses a transportation network company's
25 digital network or software application to connect with a driver to
26 obtain services in the driver's vehicle for the individual and anyone
27 in the individual's party; or

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

31 (7) "Transportation network company services" or "services" means
32 all times the driver is logged in to a transportation network
33 company's digital network or software application or until the
34 passenger has left the personal vehicle, whichever is later. The term
35 does not include services provided either directly or under contract
36 with a political subdivision or other entity exempt from federal
37 income tax under 26 U.S.C. Sec. 115 of the federal internal revenue
38 code.

1 NEW SECTION. **Sec. 2.** (1)(a) A transportation network company
2 must comply with the requirements of this chapter, including those
3 relating to a driver's compliance with insurance, qualification,
4 conduct, nondiscrimination, maximum work hours, criminal history, and
5 driving record requirements. Any penalty for a violation of this
6 chapter may be assessed only against the transportation network
7 company, unless (i) the transportation network company could not have
8 reasonably known of the violation or (ii) the transportation network
9 company knew of the violation and expeditiously took action to
10 address the violation to the satisfaction of the department.

11 (b) This chapter does not relieve a driver from complying with
12 requirements applicable to private vehicles set out in this title,
13 including those relating to drivers' licenses, vehicle registrations,
14 minimum insurance, rules of the road, and the penalties associated
15 with any violation. A transportation network company driver is not
16 required to register the vehicle the driver uses for transportation
17 network company services as a commercial or for hire vehicle solely
18 because the driver uses the vehicle to provide transportation network
19 company services.

20 (2) Except as provided in rules adopted by the department
21 pursuant to this chapter, chapter 18.235 RCW governs unlicensed
22 practice, unprofessional conduct, the issuance and denial of permits,
23 and the discipline of permittees under this chapter.

24 (3) A transportation network company must comply with the
25 registered agent requirements of chapter 23B.05 RCW.

26 (4) Pursuant to rules adopted by the department that are
27 consistent with public safety and consumer protection, every
28 transportation network company operating under this chapter must
29 submit a quarterly report to the department, providing at a minimum
30 the total number of drivers using its digital network or software
31 application, the total number of prearranged rides, the total hours
32 that drivers are logged in to its network, the total hours spent
33 providing transportation network company services, and describing any
34 accident in which a personal vehicle was involved while carrying a
35 passenger.

36 (5) A transportation network company may not, with respect to
37 drivers using its digital network or software application, or drivers
38 using the digital network or software application of another
39 transportation network company, require drivers to agree to a
40 noncompetition agreement or otherwise prohibit a driver from working

1 with another transportation network company. However, a
2 transportation network company may prohibit a driver's use of any
3 brand or mark of the company in a way that is confusing to the
4 public.

5 (6) Every transportation network company must, if achievable,
6 make its digital network or software application accessible to
7 persons with disabilities.

8 NEW SECTION. **Sec. 3.** (1)(a) Before being used to provide
9 transportation network company services, every personal vehicle must
10 be covered by a primary automobile insurance policy that specifically
11 covers transportation network company services. However, the
12 insurance coverage requirements of this section are alternatively
13 satisfied by securing coverage pursuant to chapter 46.72 or 46.72A
14 RCW that covers the personal vehicle being used to provide
15 transportation network company services and that is in effect twenty-
16 four hours per day, seven days per week. Except as provided in
17 subsection (2) of this section, a transportation network company must
18 secure this policy for every personal vehicle used to provide
19 transportation network company services. For purposes of this
20 section, a "primary automobile insurance policy" is not a private
21 passenger automobile insurance policy.

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

27 (i) The primary automobile insurance policy required under this
28 subsection must provide liability coverage, during transportation
29 network company services applicable during the period before a driver
30 accepts a requested ride through a digital network or software
31 application, in an amount no less than fifty thousand dollars per
32 person for bodily injury, one hundred thousand dollars per accident
33 for bodily injury of all persons, and thirty thousand dollars for
34 damage to property.

35 (ii) The primary automobile insurance policy required under this
36 subsection must provide the following coverages, applicable during
37 the period of a prearranged ride:

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

1 (B) Uninsured motorist coverage and underinsured motorist
2 coverage in the amount of one million dollars.

3 (2)(a) As an alternative to the provisions of subsection (1) of
4 this section, if the office of the insurance commissioner approves
5 the offering of an insurance policy that recognizes that a person is
6 acting as a transportation network company driver and using a
7 personal vehicle to provide transportation network company services,
8 a driver may secure a primary automobile insurance policy covering a
9 personal vehicle and providing the same coverage as required in
10 subsection (1) of this section. The policy coverage may be in the
11 form of a rider to, or endorsement of, the driver's private passenger
12 automobile insurance policy only if approved as such by the office of
13 the insurance commissioner.

14 (b) If the primary automobile insurance policy maintained by a
15 driver to meet the obligation of this section does not provide
16 coverage for any reason, including that the policy lapsed or did not
17 exist, the transportation network company must provide the coverage
18 required under this section beginning with the first dollar of a
19 claim.

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

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

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

26 (iii) A combination of both the transportation network company
27 and the driver.

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

32 (4) In addition to the requirements in subsections (1) and (2) of
33 this section, before allowing a person to provide transportation
34 network company services as a driver, a transportation network
35 company must provide written proof to the driver that the
36 transportation network company driver is covered by a primary
37 automobile insurance policy that meets the requirements of this
38 section.

1 (5)(a) If a transportation network company maintains a primary
2 automobile insurance policy to satisfy the obligations of this
3 section, it must provide proof of the policy to the department.

4 (b) Alternatively, if a driver purchases a primary automobile
5 insurance policy as allowed under subsection (2) of this section, the
6 transportation network company must verify that the driver has done
7 so. Additionally, the transportation network company must provide
8 proof to the department of the insurance required under subsection
9 (2)(b) of this section.

10 (c) Upon request from the department, drivers and transportation
11 network companies must provide copies of the policies required under
12 this section to the department.

13 (6) A primary automobile insurance policy required under
14 subsection (1) or (2) of this section may be placed with an insurer
15 licensed under Title 48 RCW to provide insurance in the state of
16 Washington or as an eligible surplus line insurance policy as
17 described in RCW 48.15.040.

18 (7) Nothing in this section shall be construed to require a
19 private passenger automobile insurance policy to provide primary or
20 excess coverage or a duty to defend for the period of time in which a
21 driver is logged in to a transportation network company's digital
22 network or software application or while a passenger is in the
23 vehicle.

24 (8) 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 (9) 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 (10) This section does not modify or abrogate any otherwise
15 applicable insurance requirement set forth in Title 48 RCW.

16 (11) After July 1, 2016, an insurance company regulated under
17 Title 48 RCW 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 (12) Except as otherwise provided in subsections (13) and (14) of
23 this section, every transportation network company, transportation
24 network company driver, and vehicle operated by a transportation
25 network company driver is subject to exclusive control, supervision,
26 and regulation by the department; however, enforcement of this
27 chapter, including department rules adopted under this chapter, may
28 be by the department and any law enforcement officer. Nothing in this
29 chapter shall be construed as authorizing the adoption of local
30 ordinances providing for local regulation of transportation network
31 companies, transportation network company drivers, or vehicles
32 operated by transportation network company drivers. However, this
33 subsection (12) does not apply to standard business licenses and the
34 levying of business-related taxes at the local level.

35 (13) A city with a population of more than one hundred fifty
36 thousand and a county with a population of more than four hundred
37 forty thousand may impose regulatory fees on a transportation network
38 company to cover the costs of enforcement of this chapter. Any fee
39 imposed on a transportation network company under this subsection

1 (13) may not exceed the maximum permit fee required under section 5
2 of this act.

3 (14) A port district that operates an airport may (a) require a
4 transportation network company to obtain additional approval to
5 provide services, such as a permit or license, before operating
6 within the port district, (b) impose regulatory or use fees related
7 to the operation of the transportation network company within the
8 port district as otherwise allowed by law, and (c) impose monetary
9 penalties for the violation of any of the provisions of this chapter
10 or any supplemental rules not in conflict with this chapter adopted
11 by the port district to ensure safe and reliable transportation
12 network company services within the port district. If a port district
13 exercises the authority provided under this subsection, it must
14 provide quarterly reports to the department regarding its regulatory
15 activities.

16 (15) A port district that operates an airport must consider all
17 for hire operators, including taxicab companies, on an equal basis in
18 the request for proposals process used to determine which entity or
19 entities will be contracted to provide on-demand commercial
20 transportation services to and from the airport. Nothing in this
21 subsection (15) restricts the criteria used by the port district in
22 determining which entity or entities will be contracted to provide
23 commercial transportation services to and from the airport.

24 NEW SECTION. **Sec. 4.** (1) The following requirements apply to
25 the provision of services:

26 (a) A driver may not solicit or accept the on-demand summoning of
27 a ride.

28 (b) A transportation network company must make available to
29 prospective passengers and drivers the method by which the
30 transportation network company calculates fares or the applicable
31 rates being charged and an option to receive an estimated fare.

32 (c) Upon completion of a prearranged ride, a transportation
33 network company must transmit to the passenger an electronic receipt,
34 either by electronic mail or by text message, which must document:

35 (i) The point of origin and destination of the passenger's trip;

36 (ii) The total duration and distance of the passenger's trip;

37 (iii) The total fare paid, including the base fare and any
38 additional charges incurred or distance traveled or duration of the
39 passenger's trip; and

1 (iv) The driver's first name and license plate number.

2 (d) Before permitting a person to act as a driver on its digital
3 network or software application, a transportation network company
4 must confirm that the person is at least twenty-one years of age and
5 possesses:

6 (i) A valid driver's license;
7 (ii) Proof of private passenger automobile insurance;
8 (iii) Proof that the vehicle is registered in Washington; and
9 (iv) Pursuant to rules adopted by the department, proof that the
10 person has certified that he or she does not experience any condition
11 that interferes with his or her ability to safely provide services
12 pursuant to this chapter.

13 (e) A driver may not provide prearranged rides for more than
14 twelve consecutive hours or more than twelve hours in any twenty-four
15 hour period, except that a driver may finish a prearranged ride that
16 began before either time restriction.

17 (f) A transportation network company must implement an
18 intoxicating substance policy for drivers that disallows any amount
19 of intoxication of the driver while providing services. The
20 transportation network company must include on its web site and
21 mobile device application software a notice concerning the
22 transportation network company's intoxicating substance policy.

23 (g)(i) Prior to providing transportation network company
24 services, a transportation network company must require every
25 personal vehicle to undergo a uniform vehicle safety inspection
26 performed by an approved mechanic who must certify in writing that
27 the vehicle is mechanically sound and fit for driving. The approved
28 mechanic must also certify in writing that the exterior markings
29 required under this section are legible and properly displayed.

30 (ii) The safety inspection required under this subsection (1)(g)
31 must be conducted annually while the personal vehicle is being used
32 to provide transportation network company services and include an
33 inspection of the following:

34 (A) Foot brakes;
35 (B) Emergency brakes;
36 (C) Steering mechanism;
37 (D) Windshield;
38 (E) Rear window and other glass;
39 (F) Windshield wipers;
40 (G) Headlights;

- 1 (H) Taillights;
- 2 (I) Turn indicator lights;
- 3 (J) Stop lights;
- 4 (K) Front seat adjustment mechanism;
- 5 (L) The opening, closing, and locking capability of the doors;
- 6 (M) Horn;
- 7 (N) Speedometer;
- 8 (O) Bumpers;
- 9 (P) Muffler and exhaust system;
- 10 (Q) Tire conditions, including tread depth;
- 11 (R) Interior and exterior rearview mirrors; and
- 12 (S) Safety belts.

13 (iii) A transportation network company or a third party must
14 retain inspection records for at least fourteen months after an
15 inspection was conducted for each personal vehicle used by a driver.

16 (iv) For purposes of this subsection (1)(g), "approved mechanic"
17 means a mechanic or technician who is certified with the national
18 institute for automotive service excellence and does not own, lease,
19 or drive a taxicab, for hire vehicle, or transportation network
20 company-endorsed vehicle.

21 (h) A personal vehicle must be no more than ten years old, have
22 at least four doors, and be designed to carry no more than eight
23 passengers, including the driver.

24 (i)(i) A transportation network company must make the following
25 disclosures to a prospective driver in the prospective driver's terms
26 of service:

27 WHILE OPERATING ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL
28 NETWORK OR SOFTWARE APPLICATION, YOUR PRIVATE PASSENGER AUTOMOBILE
29 INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST,
30 PERSONAL INJURY PROTECTION, COMPREHENSIVE OR COLLISION COVERAGE,
31 DEPENDING ON THE TERMS OF THE POLICY.

32 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION
33 NETWORK COMPANY SERVICES FOR OUR TRANSPORTATION NETWORK COMPANY HAS A
34 LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE
35 USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES THAT
36 MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

37 (ii) The prospective driver must acknowledge the terms of service
38 electronically or by signature.

1 (j) A transportation network company must make available to a
2 passenger a customer support telephone number on its digital network,
3 software application, or web site for passenger inquiries or
4 complaints.

5 (k)(i) A transportation network company may not disclose to a
6 third party any personally identifiable information concerning the
7 user of the transportation network company's digital network or
8 software application, unless:

9 (A) The transportation network company obtains the user's consent
10 to disclose personally identifiable information;

11 (B) Disclosure is necessary to comply with a legal obligation; or

12 (C) Disclosure is necessary to protect or defend the terms and
13 conditions for use of the service or to investigate violations of the
14 terms and conditions.

15 (ii) The limitation on disclosure does not apply to the
16 disclosure of aggregated user data. In addition, a transportation
17 network company may share a passenger's first name or telephone
18 number, or both, with the driver providing a prearranged ride to the
19 passenger in order to facilitate correct identification of the
20 passenger by the driver or to facilitate communication between the
21 passenger and the driver.

22 (iii) The department may revoke a transportation network
23 company's permit upon the department's finding that the company
24 knowingly or negligently violated the passenger privacy provisions of
25 this subsection (1)(k).

26 (2) Each transportation network company must require that each
27 personal vehicle providing transportation network company services
28 display a plainly visible exterior marking that identifies the
29 personal vehicle as one providing such services.

30 (3)(a) Before a person is permitted to act as a driver through
31 use of a transportation network company's digital network or software
32 application, the person must undergo a criminal history record check
33 for conviction records performed by the Washington state patrol or an
34 entity approved by the department that meets standards adopted by
35 rule by the department. A driver must undergo a criminal history
36 record check every year while serving as a driver. Either the entity
37 performing the criminal history record check or the transportation
38 network company must retain the results of a criminal history record
39 check for each driver that provides services for the transportation
40 network company until five years after the criminal history record

1 check was conducted or until the acquisition of an updated criminal
2 history record check, whichever occurs first. A criminal history
3 record check must remain confidential, may be used only for the
4 purposes of this subsection (3), and is not subject to the disclosure
5 requirements under chapter 42.56 RCW.

6 (b) A person who has been convicted of driving under the
7 influence of drugs or alcohol in the previous five years before
8 applying to become a driver may not serve as a driver.

9 (c)(i) If the criminal history record check reveals that the
10 person has ever been convicted of the following offenses, the person
11 may not serve as a driver:

12 (A) A sex offense, as described in chapters 9.68A and 9A.44 RCW;

13 (B) A violent offense, as defined in RCW 9.94A.030.

14 (ii) A person who has been convicted of a comparable offense to
15 the offenses listed in (c)(i) of this subsection in another state may
16 not serve as a driver.

17 (iii) If the criminal history record check reveals that the
18 person has ever been convicted of the following felony offenses in
19 the previous five years before applying to become a driver, the
20 person may not serve as a driver:

21 (A) A felony offense involving fraud, as described in chapters
22 9.45 and 9A.60 RCW;

23 (B) Felony burglary, trespass, or vehicle prowling, as described
24 in chapter 9A.52 RCW;

25 (C) Felony theft, robbery, extortion, or possession of stolen
26 property, as described in chapter 9A.56 RCW.

27 (iv) A person who has been convicted of a comparable offense to
28 the offenses listed in (c)(iii) of this subsection in another state
29 in the previous five years before applying to become a driver may not
30 serve as a driver.

31 (4)(a) Before permitting an individual to act as a driver on its
32 digital network or software application, a transportation network
33 company must obtain and review the individual's driving record.

34 (b) An individual with the following violations may not serve as
35 a driver:

36 (i) More than three moving violations within the three-year
37 period preceding the individual's application to serve as a driver;
38 or

39 (ii) A violation for reckless driving under RCW 46.61.500;
40 vehicular homicide under RCW 46.61.520; vehicular assault under RCW

1 46.61.522; negligent driving in the first or second degree under RCW
2 46.61.5249, 46.61.525, or 46.61.526; driving without a license under
3 RCW 46.20.005; or driving with a revoked license under RCW 46.20.342
4 or 46.20.345.

5 (c) A transportation network company or a third party must retain
6 the driving record for each driver that provides services for the
7 transportation network company for at least three years.

8 (5) If any person files a complaint with the department against a
9 transportation network company or driver, the department may inspect
10 the transportation network company's records as reasonably necessary
11 to investigate and resolve the complaint.

12 (6)(a) Except for a trip whose destination is more than thirty-
13 five miles from where the passenger is picked up, a transportation
14 network company and transportation network company drivers must
15 provide services to the public in a nondiscriminatory manner,
16 regardless of geographic location of the departure point or
17 destination. Once a passenger is in the vehicle, a driver may not
18 refuse a passenger's request to use a toll facility if the use of the
19 facility would facilitate an efficient route of travel to the
20 passenger's destination; however, an additional charge may be imposed
21 by the company to cover any applicable toll. A transportation network
22 company or transportation network company driver may not refuse
23 service or impose additional charges or conditions based on a
24 passenger's race, religion, ethnicity, gender, sexual orientation,
25 gender identity, or disability. Once a passenger and driver have been
26 matched for the purpose of a prearranged ride, a driver may not
27 refuse to transport a passenger, unless:

28 (i) The passenger is acting in an unlawful, disorderly, or
29 endangering manner; or

30 (ii) The passenger is unable to care for himself or herself and
31 is not in the charge of a responsible companion.

32 (b) A driver must permit a service animal to accompany a
33 passenger on a prearranged ride.

34 (c)(i) If a passenger with physical or mental disabilities
35 requires the use of mobility equipment, a driver must store such
36 equipment in the vehicle during a prearranged ride, if the vehicle is
37 reasonably capable of doing so. If the driver is unable to store a
38 passenger's mobility equipment in the driver's vehicle, the driver
39 must refer the passenger to another driver or transportation service

1 with a vehicle that is equipped to accommodate such equipment, and
2 may not charge the passenger a cancellation fee.

3 (ii) If a passenger is traveling with a child who requires the
4 use of a child restraint system under RCW 46.61.687, a driver must
5 allow the passenger to temporarily install the restraint system in
6 the personal vehicle, if the vehicle is reasonably capable of
7 accepting it. If the child restraint system is unable to be
8 temporarily installed in the vehicle, the driver must refer the
9 passenger to another driver or transportation service with a vehicle
10 that is equipped to accommodate such a system, and may not charge the
11 passenger a cancellation fee.

12 (7) Within ten days of receiving a complaint about a driver's
13 alleged violation of subsection (6) of this section, the department
14 must report the complaint to the transportation network company for
15 which the driver provides services.

16 (8) A driver must immediately report to the transportation
17 network company any refusal to transport a passenger pursuant to
18 subsection (6)(a) of this section, and the transportation network
19 company must annually report all such refusals to the department in a
20 form and manner determined by the department.

21 NEW SECTION. **Sec. 5.** (1) A transportation network company may
22 not operate without first having obtained a permit from the
23 department. The department must require this permit to be renewed
24 annually.

25 (2) The department must issue a permit to each transportation
26 network company that meets the requirements of this chapter and pays
27 to the department the fees required under subsection (3) of this
28 section. The department may adjust the annual permit fee by rule to
29 recover the department's direct and indirect costs associated with
30 implementing this chapter.

31 (3)(a) A transportation network company must pay the following
32 fee to the department at the time of its initial application for a
33 permit:

34 (i) Until July 1, 2016, the fee is one hundred thousand dollars;
35 and

36 (ii) After July 1, 2016, the fee is five thousand dollars.

37 (b) Upon the annual renewal of a permit issued pursuant to this
38 section, a transportation network company must pay the following
39 applicable renewal fee, depending on the number of drivers shown in

1 the transportation network company's most recent quarterly report
2 sent to the department pursuant to section 2(4) of this act:

3 (i) For transportation network companies with ten or fewer
4 drivers, the annual renewal fee is five thousand dollars;

5 (ii) For transportation network companies with between eleven and
6 one hundred drivers, the annual renewal fee is twenty thousand
7 dollars;

8 (iii) For transportation network companies with between one
9 hundred one and one thousand drivers, the annual renewal fee is fifty
10 thousand dollars; and

11 (iv) For transportation network companies with more than one
12 thousand drivers, the annual renewal fee is one hundred thousand
13 dollars.

14 (4) The department must determine the form and manner of the
15 application for a transportation network company permit.

16 (5) Consistent with section 2(1)(a) of this act, the department
17 may cancel, revoke, or suspend any permit issued under this chapter
18 on any of the following grounds:

19 (a) The violation of any of the provisions of this chapter;

20 (b) The violation of an order, decision, rule, or requirement
21 established by the department under this chapter;

22 (c) Failure of the transportation network company to pay a fee
23 imposed on the company, including those imposed by a jurisdiction
24 under section 3 (13) and (14) of this act, within the time required
25 under law; or

26 (d) Failure of the transportation network company to maintain
27 insurance coverage, if required under this chapter.

28 (6) The department may deny an application under this chapter, or
29 refuse to renew the permit of a transportation network company, based
30 on a determination that the transportation network company has not
31 satisfied a civil penalty arising out of an administrative or
32 enforcement action brought by the department.

33 NEW SECTION. **Sec. 6.** The transportation network company account
34 is created in the custody of the state treasurer. All moneys received
35 by the department pursuant to this chapter, and any interest earned
36 on investments in the account, must be deposited into the account.
37 Expenditures from the account may be used by the department for any
38 purpose related to the regulation of transportation network companies
39 that is consistent with this chapter. Only the director or the

1 director's designee may authorize expenditures from the account. The
2 account is subject to allotment procedures under chapter 43.88 RCW,
3 but an appropriation is not required for expenditures.

4 NEW SECTION. **Sec. 7.** (1) The department may adopt all rules
5 specifically necessary to enforce this chapter.

6 (2) The department must adopt rules requiring a transportation
7 network company to file with the department evidence of the
8 transportation network company's insurance policies required under
9 this chapter and proof of continued validity of these policies.

10 NEW SECTION. **Sec. 8.** All personally identifiable information
11 collected under this chapter is exempt from disclosure under chapter
12 42.56 RCW.

13 **Sec. 9.** RCW 18.235.020 and 2013 c 322 s 29 are each amended to
14 read as follows:

15 (1) This chapter applies only to the director and the boards and
16 commissions having jurisdiction in relation to the businesses and
17 professions licensed under the chapters specified in this section.
18 This chapter does not apply to any business or profession not
19 licensed under the chapters specified in this section.

20 (2)(a) The director has authority under this chapter in relation
21 to the following businesses and professions:

22 (i) Auctioneers under chapter 18.11 RCW;

23 (ii) Bail bond agents and bail bond recovery agents under chapter
24 18.185 RCW;

25 (iii) Camping resorts' operators and salespersons under chapter
26 19.105 RCW;

27 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

28 (v) Cosmetologists, barbers, manicurists, and estheticians under
29 chapter 18.16 RCW;

30 (vi) Court reporters under chapter 18.145 RCW;

31 (vii) Driver training schools and instructors under chapter 46.82
32 RCW;

33 (viii) Employment agencies under chapter 19.31 RCW;

34 (ix) For hire vehicle operators under chapter 46.72 RCW;

35 (x) Limousines under chapter 46.72A RCW;

36 (xi) Notaries public under chapter 42.44 RCW;

37 (xii) Private investigators under chapter 18.165 RCW;

1 (xiii) Professional boxing, martial arts, and wrestling under
2 chapter 67.08 RCW;

3 (xiv) Real estate appraisers under chapter 18.140 RCW;

4 (xv) Real estate brokers and salespersons under chapters 18.85
5 and 18.86 RCW;

6 (xvi) Scrap metal processors, scrap metal recyclers, and scrap
7 metal suppliers under chapter 19.290 RCW;

8 (xvii) Security guards under chapter 18.170 RCW;

9 (xviii) Sellers of travel under chapter 19.138 RCW;

10 (xix) Timeshares and timeshare salespersons under chapter 64.36
11 RCW;

12 (xx) Transportation network companies under chapter 46.--- RCW
13 (the new chapter created in section 17 of this act);

14 (xxi) Whitewater river outfitters under chapter 79A.60 RCW;

15 ~~((xxi))~~ (xxii) Home inspectors under chapter 18.280 RCW;

16 ~~((xxii))~~ (xxiii) Body artists, body piercers, and tattoo
17 artists, and body art, body piercing, and tattooing shops and
18 businesses, under chapter 18.300 RCW; and

19 ~~((xxiii))~~ (xxiv) Appraisal management companies under chapter
20 18.310 RCW.

21 (b) The boards and commissions having authority under this
22 chapter are as follows:

23 (i) The state board for architects established in chapter 18.08
24 RCW;

25 (ii) The Washington state collection agency board established in
26 chapter 19.16 RCW;

27 (iii) The state board of registration for professional engineers
28 and land surveyors established in chapter 18.43 RCW governing
29 licenses issued under chapters 18.43 and 18.210 RCW;

30 (iv) The funeral and cemetery board established in chapter 18.39
31 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

32 (v) The state board of licensure for landscape architects
33 established in chapter 18.96 RCW; and

34 (vi) The state geologist licensing board established in chapter
35 18.220 RCW.

36 (3) In addition to the authority to discipline license holders,
37 the disciplinary authority may grant or deny licenses based on the
38 conditions and criteria established in this chapter and the chapters
39 specified in subsection (2) of this section. This chapter also
40 governs any investigation, hearing, or proceeding relating to denial

1 of licensure or issuance of a license conditioned on the applicant's
2 compliance with an order entered under RCW 18.235.110 by the
3 disciplinary authority.

4 **Sec. 10.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and
5 2014 c 144 s 6 are each reenacted and amended to read as follows:

6 The following financial, commercial, and proprietary information
7 is exempt from disclosure under this chapter:

8 (1) Valuable formulae, designs, drawings, computer source code or
9 object code, and research data obtained by any agency within five
10 years of the request for disclosure when disclosure would produce
11 private gain and public loss;

12 (2) Financial information supplied by or on behalf of a person,
13 firm, or corporation for the purpose of qualifying to submit a bid or
14 proposal for (a) a ferry system construction or repair contract as
15 required by RCW 47.60.680 through 47.60.750 or (b) highway
16 construction or improvement as required by RCW 47.28.070;

17 (3) Financial and commercial information and records supplied by
18 private persons pertaining to export services provided under chapters
19 43.163 and 53.31 RCW, and by persons pertaining to export projects
20 under RCW 43.23.035;

21 (4) Financial and commercial information and records supplied by
22 businesses or individuals during application for loans or program
23 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
24 43.168 RCW, or during application for economic development loans or
25 program services provided by any local agency;

26 (5) Financial information, business plans, examination reports,
27 and any information produced or obtained in evaluating or examining a
28 business and industrial development corporation organized or seeking
29 certification under chapter 31.24 RCW;

30 (6) Financial and commercial information supplied to the state
31 investment board by any person when the information relates to the
32 investment of public trust or retirement funds and when disclosure
33 would result in loss to such funds or in private loss to the
34 providers of this information;

35 (7) Financial and valuable trade information under RCW 51.36.120;

36 (8) Financial, commercial, operations, and technical and research
37 information and data submitted to or obtained by the clean Washington
38 center in applications for, or delivery of, program services under
39 chapter 70.95H RCW;

1 (9) Financial and commercial information requested by the public
2 stadium authority from any person or organization that leases or uses
3 the stadium and exhibition center as defined in RCW 36.102.010;

4 (10)(a) Financial information, including but not limited to
5 account numbers and values, and other identification numbers supplied
6 by or on behalf of a person, firm, corporation, limited liability
7 company, partnership, or other entity related to an application for a
8 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
9 marijuana producer, processor, or retailer license, liquor license,
10 gambling license, or lottery retail license;

11 (b) Internal control documents, independent auditors' reports and
12 financial statements, and supporting documents: (i) Of house-banked
13 social card game licensees required by the gambling commission
14 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
15 by tribes with an approved tribal/state compact for class III gaming;

16 (11) Proprietary data, trade secrets, or other information that
17 relates to: (a) A vendor's unique methods of conducting business; (b)
18 data unique to the product or services of the vendor; or (c)
19 determining prices or rates to be charged for services, submitted by
20 any vendor to the department of social and health services for
21 purposes of the development, acquisition, or implementation of state
22 purchased health care as defined in RCW 41.05.011;

23 (12)(a) When supplied to and in the records of the department of
24 commerce:

25 (i) Financial and proprietary information collected from any
26 person and provided to the department of commerce pursuant to RCW
27 43.330.050(8); and

28 (ii) Financial or proprietary information collected from any
29 person and provided to the department of commerce or the office of
30 the governor in connection with the siting, recruitment, expansion,
31 retention, or relocation of that person's business and until a siting
32 decision is made, identifying information of any person supplying
33 information under this subsection and the locations being considered
34 for siting, relocation, or expansion of a business;

35 (b) When developed by the department of commerce based on
36 information as described in (a)(i) of this subsection, any work
37 product is not exempt from disclosure;

38 (c) For the purposes of this subsection, "siting decision" means
39 the decision to acquire or not to acquire a site;

1 (d) If there is no written contact for a period of sixty days to
2 the department of commerce from a person connected with siting,
3 recruitment, expansion, retention, or relocation of that person's
4 business, information described in (a)(ii) of this subsection will be
5 available to the public under this chapter;

6 (13) Financial and proprietary information submitted to or
7 obtained by the department of ecology or the authority created under
8 chapter 70.95N RCW to implement chapter 70.95N RCW;

9 (14) Financial, commercial, operations, and technical and
10 research information and data submitted to or obtained by the life
11 sciences discovery fund authority in applications for, or delivery
12 of, grants under chapter 43.350 RCW, to the extent that such
13 information, if revealed, would reasonably be expected to result in
14 private loss to the providers of this information;

15 (15) Financial and commercial information provided as evidence to
16 the department of licensing as required by RCW 19.112.110 or
17 19.112.120, except information disclosed in aggregate form that does
18 not permit the identification of information related to individual
19 fuel licensees;

20 (16) Any production records, mineral assessments, and trade
21 secrets submitted by a permit holder, mine operator, or landowner to
22 the department of natural resources under RCW 78.44.085;

23 (17)(a) Farm plans developed by conservation districts, unless
24 permission to release the farm plan is granted by the landowner or
25 operator who requested the plan, or the farm plan is used for the
26 application or issuance of a permit;

27 (b) Farm plans developed under chapter 90.48 RCW and not under
28 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
29 to RCW 42.56.610 and 90.64.190;

30 (18) Financial, commercial, operations, and technical and
31 research information and data submitted to or obtained by a health
32 sciences and services authority in applications for, or delivery of,
33 grants under RCW 35.104.010 through 35.104.060, to the extent that
34 such information, if revealed, would reasonably be expected to result
35 in private loss to providers of this information;

36 (19) Information gathered under chapter 19.85 RCW or RCW
37 34.05.328 that can be identified to a particular business;

38 (20) Financial and commercial information submitted to or
39 obtained by the University of Washington, other than information the
40 university is required to disclose under RCW 28B.20.150, when the

1 information relates to investments in private funds, to the extent
2 that such information, if revealed, would reasonably be expected to
3 result in loss to the University of Washington consolidated endowment
4 fund or to result in private loss to the providers of this
5 information; (~~and~~)

6 (21) Market share data submitted by a manufacturer under RCW
7 70.95N.190(4); (~~and~~)

8 (22) Financial information supplied to the department of
9 financial institutions or to a portal under RCW 21.20.883, when filed
10 by or on behalf of an issuer of securities for the purpose of
11 obtaining the exemption from state securities registration for small
12 securities offerings provided under RCW 21.20.880 or when filed by or
13 on behalf of an investor for the purpose of purchasing such
14 securities; and

15 (23) The quarterly reports submitted by transportation network
16 companies pursuant to section 2(4) of this act and any records
17 provided to the department of licensing to facilitate the enforcement
18 of chapter 46.--- RCW (the new chapter created in section 17 of this
19 act).

20 **Sec. 11.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to
21 read as follows:

22 When used in this chapter:

23 (1) The term "for hire vehicle" includes all vehicles used for
24 the transportation of passengers for compensation, except auto
25 stages, school buses operating exclusively under a contract to a
26 school district, ride-sharing vehicles under chapter 46.74 RCW,
27 limousine carriers licensed under chapter 46.72A RCW, personal
28 vehicles used to provide transportation network company services
29 under chapter 46.--- RCW (the new chapter created in section 17 of
30 this act), vehicles used by nonprofit transportation providers for
31 (~~elderly or handicapped~~) persons with special transportation needs
32 and their attendants under chapter 81.66 RCW, vehicles used by auto
33 transportation companies licensed under chapter 81.68 RCW, vehicles
34 used to provide courtesy transportation at no charge to and from
35 parking lots, hotels, and rental offices, and vehicles used by
36 charter party carriers of passengers and excursion service carriers
37 licensed under chapter 81.70 RCW;

1 (2) The term "for hire operator" means and includes any person,
2 concern, or entity engaged in the transportation of passengers for
3 compensation in for hire vehicles.

4 **Sec. 12.** RCW 51.12.020 and 2013 c 141 s 3 are each amended to
5 read as follows:

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

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

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

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

19 (4) Any person performing services in return for aid or
20 sustenance only, received from any religious or charitable
21 organization.

22 (5) Sole proprietors or partners.

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

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

28 (8)(a) Except as otherwise provided in (b) of this subsection,
29 any bona fide officer of a corporation voluntarily elected or
30 voluntarily appointed in accordance with the articles of
31 incorporation or bylaws of the corporation, who at all times during
32 the period involved is also a bona fide director, and who is also a
33 shareholder of the corporation. Only such officers who exercise
34 substantial control in the daily management of the corporation and
35 whose primary responsibilities do not include the performance of
36 manual labor are included within this subsection.

37 (b) Alternatively, a corporation that is not a "public company"
38 as defined in RCW 23B.01.400 may exempt eight or fewer bona fide
39 officers, who are voluntarily elected or voluntarily appointed in

1 accordance with the articles of incorporation or bylaws of the
2 corporation and who exercise substantial control in the daily
3 management of the corporation, from coverage under this title without
4 regard to the officers' performance of manual labor if the exempted
5 officer is a shareholder of the corporation, or may exempt any number
6 of officers if all the exempted officers are related by blood within
7 the third degree or marriage. If a corporation that is not a "public
8 company" elects to be covered under subsection (8)(a) of this
9 section, the corporation's election must be made on a form prescribed
10 by the department and under such reasonable rules as the department
11 may adopt.

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

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

22 (9) Services rendered by a musician or entertainer under a
23 contract with a purchaser of the services, for a specific engagement
24 or engagements when such musician or entertainer performs no other
25 duties for the purchaser and is not regularly and continuously
26 employed by the purchaser. A purchaser does not include the leader of
27 a group or recognized entity who employs other than on a casual basis
28 musicians or entertainers.

29 (10) Services performed by a newspaper vendor, carrier, or
30 delivery person selling or distributing newspapers on the street, to
31 offices, to businesses, or from house to house and any freelance news
32 correspondent or "stringer" who, using his or her own equipment,
33 chooses to submit material for publication for free or a fee when
34 such material is published.

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

38 (12) Services performed by a booth renter. However, a person
39 exempted under this subsection may elect coverage under RCW
40 51.32.030.

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

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

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

10 (14) A transportation network company driver providing
11 transportation network company services unless a transportation
12 network company and the transportation network company driver
13 expressly agree otherwise in writing. For purposes of this
14 subsection, a transportation network company driver qualifies under
15 this subsection only if:

16 (a) The transportation network company does not prescribe
17 specific hours during which a transportation network company driver
18 must be logged into the transportation network company's digital
19 platform or establish a minimum number of (i) prearranged rides
20 accepted, (ii) hours worked, or (iii) miles traveled;

21 (b) The transportation network company imposes no restrictions on
22 the transportation network company driver's ability to utilize
23 digital platforms from other transportation network companies;

24 (c) The transportation network company does not assign the
25 transportation network company driver a particular territory in which
26 transportation network company services can be provided; and

27 (d) The transportation network company does not restrict a
28 transportation network company driver from engaging in any other
29 occupation or business.

30 (15) For hire vehicle operators under chapter 46.72 RCW who own
31 or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW
32 who own or lease the limousine, and operators of taxicabs under
33 chapter 81.72 RCW who own or lease the taxicab. An owner or lessee
34 may elect coverage in the manner provided by RCW 51.32.030.

35 **Sec. 13.** RCW 81.72.240 and 2011 c 190 s 8 are each amended to
36 read as follows:

37 (1) By September 1, 2015, and at least every two years
38 thereafter, any city, town, county, or port district setting the
39 rates charged for taxicab services under this chapter must adjust

1 rates to accommodate (~~changes~~) increases or decreases in the cost
2 of industrial insurance (~~or in other industry wide costs~~).

3 (2) By September 1, 2015, and at least every two years
4 thereafter, any city, town, county, or port district regulating lease
5 rates under this chapter must adjust rates to accommodate increases
6 or decreases in the cost of industrial insurance. Any changes in
7 lease rates take effect upon entry into a new lease.

8 (3) Any business that as owner leases a taxicab licensed under
9 this chapter to a for hire operator must make a reasonable effort to
10 train the for hire operator in motor vehicle operation and safety
11 requirements and monitor operator compliance. Monitoring operator
12 compliance may include the use of vehicle operator monitoring
13 cameras.

14 **Sec. 14.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are
15 each reenacted and amended to read as follows:

16 (1) Money in the treasurer's trust fund may be deposited,
17 invested, and reinvested by the state treasurer in accordance with
18 RCW 43.84.080 in the same manner and to the same extent as if the
19 money were in the state treasury, and may be commingled with moneys
20 in the state treasury for cash management and cash balance purposes.

21 (2) All income received from investment of the treasurer's trust
22 fund must be set aside in an account in the treasury trust fund to be
23 known as the investment income account.

24 (3) The investment income account may be utilized for the payment
25 of purchased banking services on behalf of treasurer's trust funds
26 including, but not limited to, depository, safekeeping, and
27 disbursement functions for the state treasurer or affected state
28 agencies. The investment income account is subject in all respects to
29 chapter 43.88 RCW, but no appropriation is required for payments to
30 financial institutions. Payments must occur prior to distribution of
31 earnings set forth in subsection (4) of this section.

32 (4)(a) Monthly, the state treasurer must distribute the earnings
33 credited to the investment income account to the state general fund
34 except under (b), (c), and (d) of this subsection.

35 (b) The following accounts and funds must receive their
36 proportionate share of earnings based upon each account's or fund's
37 average daily balance for the period: The Washington promise
38 scholarship account, the Washington advanced college tuition payment
39 program account, the accessible communities account, the community

1 and technical college innovation account, the agricultural local
2 fund, the American Indian scholarship endowment fund, the foster care
3 scholarship endowment fund, the foster care endowed scholarship trust
4 fund, the contract harvesting revolving account, the Washington state
5 combined fund drive account, the commemorative works account, the
6 county enhanced 911 excise tax account, the toll collection account,
7 the developmental disabilities endowment trust fund, the energy
8 account, the fair fund, the family leave insurance account, the food
9 animal veterinarian conditional scholarship account, the fruit and
10 vegetable inspection account, the future teachers conditional
11 scholarship account, the game farm alternative account, the GET ready
12 for math and science scholarship account, the Washington global
13 health technologies and product development account, the grain
14 inspection revolving fund, the industrial insurance rainy day fund,
15 the juvenile accountability incentive account, the law enforcement
16 officers' and firefighters' plan 2 expense fund, the local tourism
17 promotion account, the multiagency permitting team account, the
18 pilotage account, the produce railcar pool account, the regional
19 transportation investment district account, the rural rehabilitation
20 account, the stadium and exhibition center account, the youth
21 athletic facility account, the self-insurance revolving fund, the
22 children's trust fund, the Washington horse racing commission
23 Washington bred owners' bonus fund and breeder awards account, the
24 Washington horse racing commission class C purse fund account, the
25 individual development account program account, the Washington horse
26 racing commission operating account, the life sciences discovery
27 fund, the Washington state heritage center account, the reduced
28 cigarette ignition propensity account, the center for childhood
29 deafness and hearing loss account, the school for the blind account,
30 the Millersylvania park trust fund, the public employees' and
31 retirees' insurance reserve fund, the transportation network company
32 account, and the radiation perpetual maintenance fund.

33 (c) The following accounts and funds must receive eighty percent
34 of their proportionate share of earnings based upon each account's or
35 fund's average daily balance for the period: The advanced right-of-
36 way revolving fund, the advanced environmental mitigation revolving
37 account, the federal narcotics asset forfeitures account, the high
38 occupancy vehicle account, the local rail service assistance account,
39 and the miscellaneous transportation programs account.

1 (d) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the custody of the
3 state treasurer that deposits funds into a fund or account in the
4 custody of the state treasurer pursuant to an agreement with the
5 office of the state treasurer shall receive its proportionate share
6 of earnings based upon each account's or fund's average daily balance
7 for the period.

8 (5) In conformance with Article II, section 37 of the state
9 Constitution, no trust accounts or funds shall be allocated earnings
10 without the specific affirmative directive of this section.

11 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
12 each repealed:

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

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

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

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

23 (5) RCW 51.12.185 (For hire vehicle owners—Retrospective rating
24 program) and 2011 c 190 s 4;

25 (6) RCW 51.16.240 (For hire vehicle businesses and operators—
26 Basis for premiums—Rules) and 2011 c 190 s 3; and

27 (7) RCW 81.72.230 (License suspension or revocation—Failure to
28 pay industrial insurance premiums—Rules—Cooperative agreements) and
29 2011 c 190 s 7.

30 NEW SECTION. **Sec. 16.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 17.** Sections 1 through 8 of this act
2 constitute a new chapter in Title 46 RCW.

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