

SHB 2382 - S COMM AMD

By Committee on Labor & Commerce

ADOPTED AS AMENDED 02/28/2024

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32
4 RCW to read as follows:

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

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

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

14 (c) Not otherwise covered by this title.

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

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

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

20 **Sec. 2.** RCW 51.16.250 and 2022 c 281 s 11 are each amended to
21 read as follows:

22 (1) Beginning January 1, 2023, the department shall assess
23 premiums for transportation network companies, as defined in RCW
24 49.46.300, in accordance with RCW 51.16.035 and this section, for
25 workers' compensation coverage applicable to drivers, as defined in
26 RCW 49.46.300, while the driver is engaged in passenger platform time
27 and dispatch platform time, as those terms are defined in RCW
28 49.46.300.

29 (2) For the purposes of calculating the premium for drivers under
30 subsection (1) of this section, the department shall multiply the

1 total number of hours spent by drivers in passenger platform time and
2 dispatch platform time on the transportation network company's driver
3 platform by the rates established for taxicab companies. The
4 department may subsequently adjust premiums in accordance with
5 department rules.

6 (3) For a death that is covered under section 1 of this act, the
7 cost of the benefits must be included in the consideration of rate
8 increases for the risk class and not attributed to a single
9 transportation network company. Such cost shall not be included in
10 the calculation of any individual transportation network company's
11 experience modification factor.

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

1 being subject to approval as to sufficiency of the estimated
2 passenger platform time and dispatch platform time on the
3 transportation network company's driver platform by the department,
4 and also subject to appropriate periodic adjustments made by the
5 department based on actual passenger platform time and dispatch
6 platform time on the transportation network company's driver
7 platform.

8 ~~((4))~~ (5) The department may adopt rules to carry out the
9 purposes of this section, including rules providing for alternative
10 reporting requirements.

11 ~~((5))~~ (6) This section does not apply to any worker who is not
12 a driver, and who is employed by the transportation network company.
13 For those workers the processes for determining coverage, calculating
14 premiums, reporting requirements, reporting periods, and payment due
15 dates are subject to the provisions of this title that apply
16 generally to employers and workers.

17 NEW SECTION. **Sec. 3.** (1) The legislature recognizes the nature
18 of work is changing and there may be workers who are victims of crime
19 while connected to work through a digital network, online-enabled
20 application, website, or other similar system that are not covered by
21 industrial insurance. The department of labor and industries shall
22 conduct or contract out for a study using administrative and other
23 available data and report to the legislature by July 1, 2029. The
24 study shall include, but not be limited to: The number and frequency
25 of workers filing claims with the department of labor and industries
26 who are victims of crime while connected to work through a digital
27 network, online-enabled application, website, or other similar
28 system; whether those claims were accepted or denied; and if denied,
29 the reason for the denial. The study shall not include remote workers
30 working from their homes.

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

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32 On page 1, line 2 of the title, after "companies;" strike the
33 remainder of the title and insert "amending RCW 51.16.250; adding a

1 new section to chapter 51.32 RCW; creating a new section; and
2 providing an expiration date."

EFFECT: Requires the Department of Labor and Industries (L&I) to conduct or contract out for a study using administrative and other available data and report to the Legislature by July 1, 2029. The study must include the number and frequency of workers filing claims with L&I who are victims of crime while connected to work through a digital network, online-enabled application, website, or other similar system; whether those claims were accepted or denied; and if denied, the reason for the denial.

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