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HOUSE BILL 1764

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State of Washington

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By Representatives Mena, Berry, Fosse, Scott, Parshley, Salahuddin, Ramel, Ormsby, Doglio, Pollet, Goodman, Macri, and Reed

Read first time 01/31/25. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to strengthening Washington's labor standards;  
2 amending RCW 49.46.010, 49.46.020, 49.46.180, 49.46.200, and  
3 49.46.300; reenacting and amending RCW 49.46.210; adding new sections  
4 to chapter 49.46 RCW; prescribing penalties; and providing an  
5 effective date.

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

7 **Sec. 1.** RCW 49.46.010 and 2024 c 132 s 1 are each amended to  
8 read as follows:

9 As used in this chapter:

- 10 (1) "Department" means the department of labor and industries;  
11 (2) "Director" means the director of labor and industries or the  
12 director's authorized representative;

13 ~~((2))~~ (3) "Employ" includes to permit to work;

14 ~~((3))~~ (4) "Employee" includes any individual employed by an  
15 employer but shall not include:

- 16 (a) Any individual (i) employed as a hand harvest laborer and  
17 paid on a piece rate basis in an operation which has been, and is  
18 generally and customarily recognized as having been, paid on a piece  
19 rate basis in the region of employment; (ii) who commutes daily from  
20 ~~((his or her))~~ the individual's permanent residence to the farm on  
21 which ~~((he or she))~~ the individual is employed; and (iii) who has

1 been employed in agriculture less than (~~thirteen~~) 13 weeks during  
2 the preceding calendar year;

3 (b) Any individual employed in casual labor in or about a private  
4 home, unless performed in the course of the employer's trade,  
5 business, or profession;

6 (c) Any individual employed in a bona fide executive,  
7 administrative, or professional capacity or in the capacity of  
8 outside salesperson as those terms are defined and delimited by rules  
9 of the director. The terms as defined and delimited must require the  
10 employer to provide paid vacation leave that is consistent with the  
11 provisions in section 7 of this act, including the provisions that  
12 establish the accrual rate and the employee's right to use paid  
13 vacation leave. However, those terms shall be defined and delimited  
14 by the human resources director pursuant to chapter 41.06 RCW for  
15 employees employed under the director of personnel's jurisdiction;

16 (d) Any individual engaged in the activities of an educational,  
17 charitable, religious, state or local governmental body or agency, or  
18 nonprofit organization where the employer-employee relationship does  
19 not in fact exist or where the services are rendered to such  
20 organizations gratuitously. If the individual receives reimbursement  
21 in lieu of compensation for normally incurred out-of-pocket expenses  
22 or receives a nominal amount of compensation per unit of voluntary  
23 service rendered, an employer-employee relationship is deemed not to  
24 exist for the purpose of this section or for purposes of membership  
25 or qualification in any state, local government, or publicly  
26 supported retirement system other than that provided under chapter  
27 41.24 RCW;

28 (e) Any individual employed full time by any state or local  
29 governmental body or agency who provides voluntary services but only  
30 with regard to the provision of the voluntary services. The voluntary  
31 services and any compensation therefor shall not affect or add to  
32 qualification, entitlement, or benefit rights under any state, local  
33 government, or publicly supported retirement system other than that  
34 provided under chapter 41.24 RCW;

35 (f) Any newspaper vendor, carrier, or delivery person selling or  
36 distributing newspapers on the street, to offices, to businesses, or  
37 from house to house and any freelance news correspondent or  
38 "stringer" who, using his or her own equipment, chooses to submit  
39 material for publication for free or a fee when such material is  
40 published;

1 (g) Any carrier subject to regulation by Part 1 of the Interstate  
2 Commerce Act;

3 (h) Any individual engaged in forest protection and fire  
4 prevention activities;

5 (i) Any individual employed by any charitable institution charged  
6 with child care responsibilities engaged primarily in the development  
7 of character or citizenship or promoting health or physical fitness  
8 or providing or sponsoring recreational opportunities or facilities  
9 for young people or members of the armed forces of the United States;

10 (j) Any individual whose duties require that (~~he or she~~) the  
11 individual reside or sleep at the place of (~~his or her~~) the  
12 individual's employment or who otherwise spends a substantial portion  
13 of (~~his or her~~) the individual's work time subject to call, and not  
14 engaged in the performance of active duties;

15 (k) Any resident, inmate, or patient of a state, county, or  
16 municipal correctional, detention, treatment or rehabilitative  
17 institution;

18 (l) Any individual who holds a public elective or appointive  
19 office of the state, any county, city, town, municipal corporation or  
20 quasi municipal corporation, political subdivision, or any  
21 instrumentality thereof, or any employee of the state legislature;

22 (m) All vessel operating crews of the Washington state ferries  
23 operated by the department of transportation;

24 (n) Any individual employed as a seaman on a vessel other than an  
25 American vessel;

26 (o) Any farm intern providing (~~his or her~~) the farm intern's  
27 services to a small farm which has a special certificate issued under  
28 RCW 49.12.471;

29 (p) An individual who is at least 16 years old but under  
30 (~~twenty-one~~) 21 years old, in (~~his or her~~) the individual's  
31 capacity as a player for a junior ice hockey team that is a member of  
32 a regional, national, or international league and that contracts with  
33 an arena owned, operated, or managed by a public facilities district  
34 created under chapter 36.100 RCW; or

35 (q) Any individual who has entered into a contract to play  
36 baseball at the minor league level and who is compensated pursuant to  
37 the terms of a collective bargaining agreement that expressly  
38 provides for wages and working conditions;

39 (~~(4)~~) (5) "Employer" includes any individual, partnership,  
40 association, corporation, business trust, or any person or group of

1 persons acting directly or indirectly in the interest of an employer  
2 in relation to an employee;

3 ~~((5))~~ (6) (a) "Family member" means a child, grandchild,  
4 grandparent, parent, sibling, or spouse of an employee or driver, and  
5 also includes any individual who regularly resides in the employee or  
6 driver's home or where the relationship creates an expectation that  
7 the employee or driver care for the person, and that individual  
8 depends on the employee or driver for care. "Family member" includes  
9 any individual who regularly resides in the employee or driver's  
10 home, except that it does not include an individual who simply  
11 resides in the same home with no expectation that the employee or  
12 driver care for the individual.

13 (b) For the purposes of this subsection, the following  
14 definitions apply:

15 (i) "Child" means a biological, adopted, or foster child, a  
16 stepchild, a child's spouse, or a child to whom the employee or  
17 driver stands in loco parentis, is a legal guardian, or is a de facto  
18 parent, regardless of age or dependency status.

19 (ii) "Grandchild" means a child of the employee or driver's  
20 child.

21 (iii) "Grandparent" means a parent of the employee or driver's  
22 parent.

23 (iv) "Parent" means the biological, adoptive, de facto, or foster  
24 parent, stepparent, or legal guardian of an employee or driver or the  
25 employee or driver's spouse, or an individual who stood in loco  
26 parentis to an employee or driver when the employee or driver was a  
27 child.

28 (v) "Spouse" means a husband or wife, as the case may be, or  
29 state registered domestic partner;

30 (7) "Occupation" means any occupation, service, trade, business,  
31 industry, or branch or group of industries or employment or class of  
32 employment in which employees are gainfully employed;

33 ~~((6))~~ (8) "Retail or service establishment" means an  
34 establishment (~~(seventy-five))~~ 75 percent of whose annual dollar  
35 volume of sales of goods or services, or both, is not for resale and  
36 is recognized as retail sales or services in the particular industry;

37 ~~((7))~~ (9) "Wage" means compensation due to an employee by  
38 reason of employment, payable in legal tender of the United States or  
39 checks on banks convertible into cash on demand at full face value,

1 subject to such deductions, charges, or allowances as may be  
2 permitted by rules of the director.

3 **Sec. 2.** RCW 49.46.020 and 2019 c 236 s 2 are each amended to  
4 read as follows:

5 ~~(1) ((a) Beginning January 1, 2017, and until January 1, 2018,~~  
6 ~~every employer shall pay to each of his or her employees who has~~  
7 ~~reached the age of eighteen years wages at a rate of not less than~~  
8 ~~eleven dollars per hour.~~

9 ~~(b) Beginning January 1, 2018, and until January 1, 2019, every~~  
10 ~~employer shall pay to each of his or her employees who has reached~~  
11 ~~the age of eighteen years wages at a rate of not less than eleven~~  
12 ~~dollars and fifty cents per hour.~~

13 ~~(c) Beginning January 1, 2019, and until January 1, 2020, every~~  
14 ~~employer shall pay to each of his or her employees who has reached~~  
15 ~~the age of eighteen years wages at a rate of not less than twelve~~  
16 ~~dollars per hour.~~

17 ~~(d) Beginning January 1, 2020, and until January 1, 2021, every~~  
18 ~~employer shall pay to each of his or her employees who has reached~~  
19 ~~the age of eighteen years wages at a rate of not less than thirteen~~  
20 ~~dollars and fifty cents per hour.))~~ Every employer shall pay to each  
21 of the employer's employees who has reached the age of 18 years wages  
22 at a rate of not less than the following during the following dates:

<u>Dates:</u>	<u>Rate per hour:</u>
<u>Beginning January 1, 2026,</u> <u>until January 1, 2027</u>	<u>\$17.50</u>
<u>Beginning January 1, 2027,</u> <u>until January 1, 2028</u>	<u>\$19.00</u>
<u>Beginning January 1, 2028,</u> <u>until January 1, 2029</u>	<u>\$20.50</u>
<u>Beginning January 1, 2029,</u> <u>until January 1, 2030</u>	<u>\$22.00</u>
<u>Beginning January 1, 2030,</u> <u>until January 1, 2031</u>	<u>\$23.50</u>
<u>Beginning January 1, 2031,</u> <u>until January 1, 2032</u>	<u>\$25.00</u>

1 (2) (a) Beginning on January 1, (~~(2021)~~) 2032, and each following  
2 January 1st as set forth under (b) of this subsection, every employer  
3 shall pay to each of (~~(his or her)~~) the employer's employees who has  
4 reached the age of (~~(eighteen)~~) 18 years wages at a rate of not less  
5 than the amount established under (b) of this subsection.

6 (b) On September 30, (~~(2020)~~) 2031, and on each following  
7 September 30th, the department (~~(of labor and industries)~~) shall  
8 calculate an adjusted minimum wage rate to maintain employee  
9 purchasing power by increasing the current year's minimum wage rate  
10 by the rate of inflation. The adjusted minimum wage rate shall be  
11 calculated to the nearest cent using the consumer price index for  
12 urban wage earners and clerical workers, CPI-W, or a successor index,  
13 for the (~~(twelve)~~) 12 months prior to each September 1st as  
14 calculated by the United States department of labor. Each adjusted  
15 minimum wage rate calculated under this subsection (2) (b) takes  
16 effect on the following January 1st.

17 (3) (~~(An)~~) Regardless of whether a local government establishes a  
18 minimum wage rate that is higher than required under this chapter, an  
19 employer must pay to its employees: (a) All tips and gratuities; and  
20 (b) all service charges as defined under RCW 49.46.160 except those  
21 that, pursuant to RCW 49.46.160, are itemized as not being payable to  
22 the employee or employees servicing the customer. Tips and service  
23 charges paid to an employee are in addition to, and may not count  
24 towards, the employee's hourly minimum wage required by this section  
25 or a local government.

26 (4) Beginning January 1, 2018, except as provided in RCW  
27 49.46.180, every employer must provide to each of its employees paid  
28 sick leave as provided in RCW 49.46.200 and 49.46.210.

29 (5) Beginning January 1, 2027, except as provided in RCW  
30 49.46.180 as amended by chapter . . ., Laws of 2025 (this act), every  
31 employer must provide to each of its employees paid vacation leave as  
32 provided in section 7 of this act.

33 (6) Beginning January 1, 2027, except as provided in RCW  
34 49.46.180 as amended by chapter . . ., Laws of 2025 (this act), every  
35 employer must provide to each of its employees paid bereavement leave  
36 as provided in section 8 of this act.

37 (7) The director shall by regulation establish the minimum wage  
38 for employees under the age of (~~(eighteen)~~) 18 years.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 49.46  
2    RCW to read as follows:

3        (1) If the director determines that an employer has violated this  
4    act, the department may issue a stop work order to cease all business  
5    operations at every site where the violation has occurred.

6        (2) Employers must pay employees normal hourly compensation for  
7    all hours they would have been regularly scheduled to work during the  
8    stop work period. This requirement is a wage payment requirement  
9    under RCW 49.48.082.

10       (3) A stop work order issued under this section remains in effect  
11   until the director issues an order releasing the stop work order upon  
12   finding that the employer has paid any amounts owed to the employees,  
13   including interest, and any penalties due.

14       (4) As a condition for release from a stop work order, the  
15   director may require the employer to file with the department  
16   periodic reports for a probationary period that demonstrate the  
17   employer's continued compliance with the provisions of this act. Any  
18   probationary period may not exceed two years.

19       (5) (a) The director may assess a civil penalty of not more than  
20   \$5,000 per day against an employer for each day that the employer  
21   conducts business operations that violate the stop work order.

22       (b) The department may adopt by rule penalty amounts under this  
23   subsection that vary by the size of the employer.

24       (c) On September 30, 2028, and on each following September 30th,  
25   the department of labor and industries shall calculate adjusted  
26   penalties payable pursuant to this section by increasing the current  
27   year's penalties by the rate of inflation. The penalties must be  
28   calculated to the nearest cent using the consumer price index for  
29   urban wage earners and clerical workers, CPI-W, or a successor index,  
30   for the 12 months prior to each September 1st as calculated by the  
31   United States department of labor. The adjusted penalties calculated  
32   under this subsection (5)(c) take effect on the following January  
33   1st.

34       (6) An employer may contest a stop work order within 72 hours of  
35   the issuance of the stop work order by filing a petition for judicial  
36   review to superior court. Upon the filing of any such petition, the  
37   superior courts of the state of Washington have jurisdiction to issue  
38   a temporary stay of the stop work order pending further agency  
39   action. The court may not grant a temporary stay unless the employer

1 meets its burden to show such a stay is appropriate under RCW  
2 34.05.550.

3 **Sec. 4.** RCW 49.46.180 and 2023 c 267 s 2 are each amended to  
4 read as follows:

5 (1) The ~~((sick leave provisions of RCW 49.46.200 through~~  
6 ~~49.46.830)) sick, vacation, and bereavement leave provisions of this~~  
7 ~~chapter~~ shall not apply to construction workers covered by a  
8 collective bargaining agreement, provided:

9 (a) The union signatory to the collective bargaining agreement is  
10 an approved referral union program authorized under RCW 50.20.010 and  
11 in compliance with WAC 192-210-110; and

12 (b) The collective bargaining agreement establishes equivalent  
13 ~~((sick))~~ or better sick, vacation, and bereavement leave provisions,  
14 as provided in subsection (2) of this section; and

15 (c) The requirements of ~~((RCW 49.46.200 through 49.46.830))~~ the  
16 sick, vacation, and bereavement leave provisions of this chapter are  
17 expressly waived in the collective bargaining agreement in clear and  
18 unambiguous terms or in an addendum to an existing agreement  
19 including an agreement that is open for negotiation provided the  
20 ~~((sick))~~ relevant leave portions were previously ratified by the  
21 membership.

22 (2) Equivalent ~~((sick))~~ leave provisions provided by a collective  
23 bargaining agreement must meet the requirements of ~~((RCW 49.46.200~~  
24 ~~through 49.46.830))~~ the sick, vacation, and bereavement leave  
25 provisions of this chapter and the rules adopted by the department  
26 ~~((of labor and industries))~~, except the payment of leave at the  
27 normal hourly compensation may occur before usage and the payment of  
28 accrued and unused ~~((sick))~~ leave may be made in accordance with RCW  
29 49.46.210.

30 **Sec. 5.** RCW 49.46.200 and 2017 c 2 s 4 are each amended to read  
31 as follows:

32 The demands of the workplace and of families need to be balanced  
33 to promote public health, individual health, family stability,  
34 sustainable working habits, and economic security. It is in the  
35 public interest to provide reasonable paid ~~((sick))~~ leave for  
36 employees to care for the health of themselves and their families.  
37 Such paid ~~((sick))~~ leave shall be provided at the greater of the



1 newly increased minimum wage or the employee's regular and normal  
2 wage.

3 **Sec. 6.** RCW 49.46.210 and 2024 c 356 s 1 and 2024 c 39 s 1 are  
4 each reenacted and amended to read as follows:

5 ~~((1))~~ Beginning January 1, 2018, except as provided in RCW  
6 49.46.180, every employer shall provide each of its employees paid  
7 sick leave as follows:

8 ~~((a))~~ (1) An employee shall accrue at least one hour of paid  
9 sick leave for every ~~((forty))~~ 40 hours worked as an employee. An  
10 employer may provide paid sick leave in advance of accrual provided  
11 that such front-loading meets or exceeds the requirements of this  
12 section for accrual, use, and carryover of paid sick leave.

13 ~~((b))~~ (2) An employee is authorized to use paid sick leave for  
14 the following reasons:

15 ~~((i))~~ (a) An absence resulting from an employee's mental or  
16 physical illness, injury, or health condition; to accommodate the  
17 employee's need for medical diagnosis, care, or treatment of a mental  
18 or physical illness, injury, or health condition; or an employee's  
19 need for preventive medical care;

20 ~~((ii))~~ (b) To allow the employee to provide care for a family  
21 member with a mental or physical illness, injury, or health  
22 condition; care of a family member who needs medical diagnosis, care,  
23 or treatment of a mental or physical illness, injury, or health  
24 condition; or care for a family member who needs preventive medical  
25 care; and

26 ~~((iii))~~ (c) When the employee's place of business has been  
27 closed by order of a public official for any health-related reason,  
28 or when an employee's child's school or place of care has been closed  
29 for such a health-related reason or after the declaration of an  
30 emergency by a local or state government or agency, or by the federal  
31 government.

32 ~~((e))~~ (3) An employee is authorized to use paid sick leave for  
33 absences that qualify for leave under the domestic violence leave  
34 act, chapter 49.76 RCW.

35 ~~((d))~~ (4) An employee is entitled to use accrued paid sick  
36 leave beginning on the ninetieth calendar day after the commencement  
37 of ~~((his or her))~~ the employee's employment.

1       ~~((e))~~ (5) Employers are not prevented from providing more  
2 generous paid sick leave policies or permitting use of paid sick  
3 leave for additional purposes.

4       ~~((f))~~ (6) An employer may require employees to give reasonable  
5 notice of an absence from work, so long as such notice does not  
6 interfere with an employee's lawful use of paid sick leave.

7       ~~((g))~~ (7) For absences exceeding three days, an employer may  
8 require verification that an employee's use of paid sick leave is for  
9 an authorized purpose. If an employer requires verification,  
10 verification must be provided to the employer within a reasonable  
11 time period during or after the leave. An employer's requirements for  
12 verification may not result in an unreasonable burden or expense on  
13 the employee and may not exceed privacy or verification requirements  
14 otherwise established by law.

15       ~~((h))~~ (8) An employer may not require, as a condition of an  
16 employee taking paid sick leave, that the employee search for or find  
17 a replacement worker to cover the hours during which the employee is  
18 on paid sick leave.

19       ~~((i))~~ (9) For each hour of paid sick leave used, an employee  
20 shall be paid the greater of the minimum hourly wage rate established  
21 in this chapter or ~~((his or her))~~ the employee's normal hourly  
22 compensation. The employer is responsible for providing regular  
23 notification to employees about the amount of paid sick leave  
24 available to the employee.

25       ~~((j))~~ (10) Except as provided in ~~((1) of this))~~ subsection  
26 (12) of this section, accrued and unused paid sick leave carries over  
27 to the following year, but an employer is not required to allow an  
28 employee to carry over paid sick leave in excess of 40 hours.

29       ~~((k))~~ (11) Except as provided in ~~((1) of this))~~ subsection  
30 (12) of this section, an employer is not required to provide  
31 financial or other reimbursement for accrued and unused paid sick  
32 leave to any employee upon the employee's termination, resignation,  
33 retirement, or other separation from employment. When there is a  
34 separation from employment and the employee is rehired within 12  
35 months of separation by the same employer, whether at the same or a  
36 different business location of the employer, previously accrued  
37 unused paid sick leave shall be reinstated and the previous period of  
38 employment shall be counted for purposes of determining the  
39 employee's eligibility to use paid sick leave under ~~((d) of this))~~  
40 subsection (4) of this section. For purposes of this subsection

1 ~~((1)(k))~~, "previously accrued and unused paid sick leave" does not  
2 include sick leave paid out to a construction worker under ~~((1) of~~  
3 ~~this))~~ subsection (12) of this section.

4 ~~((1)(i))~~ (12)(a) A construction industry employer must pay a  
5 construction worker, who has not met the 90th day eligibility under  
6 ~~((d) of this))~~ subsection (4) of this section at the time of  
7 separation, the balance of the worker's accrued and unused paid sick  
8 leave at the end of the established pay period following the worker's  
9 separation pursuant to RCW 49.48.010(2).

10 ~~((ii))~~ (b) The definitions in this subsection ~~((1)(1)(ii))~~  
11 (12)(b) apply throughout this subsection ~~((1)(1))~~ unless the  
12 context clearly requires otherwise.

13 ~~((A))~~ (i) "Construction worker" means a worker who performed  
14 service, maintenance, or construction work on a jobsite, in the field  
15 or in a fabrication shop using the tools of the worker's trade or  
16 craft.

17 ~~((B))~~ (ii) "Construction industry employer" means an employer  
18 in the industry described in North American industry classification  
19 system industry code 23, except for residential building construction  
20 code 2361.

21 ~~((2) The definitions in this subsection apply throughout this~~  
22 ~~section, except for subsection (5) of this section:~~

23 ~~(a) "Family member" means a child, grandchild, grandparent,~~  
24 ~~parent, sibling, or spouse of an employee, and also includes any~~  
25 ~~individual who regularly resides in the employee's home or where the~~  
26 ~~relationship creates an expectation that the employee care for the~~  
27 ~~person, and that individual depends on the employee for care. "Family~~  
28 ~~member" includes any individual who regularly resides in the~~  
29 ~~employee's home, except that it does not include an individual who~~  
30 ~~simply resides in the same home with no expectation that the employee~~  
31 ~~care for the individual.~~

32 ~~(b) "Child" means a biological, adopted, or foster child, a~~  
33 ~~stepchild, a child's spouse, or a child to whom the employee stands~~  
34 ~~in loco parentis, is a legal guardian, or is a de facto parent,~~  
35 ~~regardless of age or dependency status.~~

36 ~~(c) "Grandchild" means a child of the employee's child.~~

37 ~~(d) "Grandparent" means a parent of the employee's parent.~~

38 ~~(e) "Parent" means the biological, adoptive, de facto, or foster~~  
39 ~~parent, stepparent, or legal guardian of an employee or the~~

1 ~~employee's spouse, or an individual who stood in loco parentis to an~~  
2 ~~employee when the employee was a child.~~

3 ~~(f) "Spouse" means a husband or wife, as the case may be, or~~  
4 ~~state registered domestic partner.~~

5 ~~(3) An employer may not adopt or enforce any policy that counts~~  
6 ~~the use of paid sick leave time as an absence that may lead to or~~  
7 ~~result in discipline against the employee.~~

8 ~~(4) An employer may not discriminate or retaliate against an~~  
9 ~~employee for his or her exercise of any rights under this chapter~~  
10 ~~including the use of paid sick leave.~~

11 ~~(5) (a) The definitions in this subsection apply to this~~  
12 ~~subsection:~~

13 ~~(i) "Average hourly compensation" means a driver's compensation~~  
14 ~~during passenger platform time from, or facilitated by, the~~  
15 ~~transportation network company, during the 365 days immediately prior~~  
16 ~~to the day that paid sick time is used, divided by the total hours of~~  
17 ~~passenger platform time worked by the driver on that transportation~~  
18 ~~network company's driver platform during that period. "Average hourly~~  
19 ~~compensation" does not include tips.~~

20 ~~(ii) "Driver," "driver platform," "passenger platform time," and~~  
21 ~~"transportation network company" have the meanings provided in RCW~~  
22 ~~49.46.300.~~

23 ~~(iii) "Earned paid sick time" is the time provided by a~~  
24 ~~transportation network company to a driver as calculated under this~~  
25 ~~subsection. For each hour of earned paid sick time used by a driver,~~  
26 ~~the transportation network company shall compensate the driver at a~~  
27 ~~rate equal to the driver's average hourly compensation.~~

28 ~~(iv) For purposes of drivers, the following definitions apply:~~

29 ~~(A) "Family member" means a child, grandchild, grandparent,~~  
30 ~~parent, sibling, or spouse of a driver, and also includes any~~  
31 ~~individual who regularly resides in the driver's home or where the~~  
32 ~~relationship creates an expectation that the driver care for the~~  
33 ~~person, and that individual depends on the driver for care. "Family~~  
34 ~~member" includes any individual who regularly resides in the driver's~~  
35 ~~home, except that it does not include an individual who simply~~  
36 ~~resides in the same home with no expectation that the driver care for~~  
37 ~~the individual.~~

38 ~~(B) "Child" means a biological, adopted, or foster child, a~~  
39 ~~stepchild, a child's spouse, or a child to whom the driver stands in~~

1 ~~loco parentis, is a legal guardian, or is a de facto parent,~~  
2 ~~regardless of age or dependency status.~~

3 ~~(C) "Grandchild" means a child of the driver's child.~~

4 ~~(D) "Grandparent" means a parent of the driver's parent.~~

5 ~~(E) "Parent" means the biological, adoptive, de facto, or foster~~  
6 ~~parent, stepparent, or legal guardian of a driver or the driver's~~  
7 ~~spouse, or an individual who stood in loco parentis to a driver when~~  
8 ~~the driver was a child.~~

9 ~~(F) "Spouse" means a husband or wife, as the case may be, or~~  
10 ~~state registered domestic partner.~~

11 ~~(b) Beginning January 1, 2023, a transportation network company~~  
12 ~~must provide to each driver operating on its driver platform~~  
13 ~~compensation for earned paid sick time as required by this subsection~~  
14 ~~and subject to the provisions of this subsection. A driver shall~~  
15 ~~accrue one hour of earned paid sick time for every 40 hours of~~  
16 ~~passenger platform time worked.~~

17 ~~(c) A driver is entitled to use accrued earned paid sick time~~  
18 ~~upon recording 90 hours of passenger platform time on the~~  
19 ~~transportation network company's driver platform.~~

20 ~~(d) For each hour of earned paid sick time used, a driver shall~~  
21 ~~be paid the driver's average hourly compensation.~~

22 ~~(e) A transportation network company shall establish an~~  
23 ~~accessible system for drivers to request and use earned paid sick~~  
24 ~~time. The system must be available to drivers via smartphone~~  
25 ~~application and online web portal.~~

26 ~~(f) A driver may carry over up to 40 hours of unused earned paid~~  
27 ~~sick time to the next calendar year. If a driver carries over unused~~  
28 ~~earned paid sick time to the following year, accrual of earned paid~~  
29 ~~sick time in the subsequent year must be in addition to the hours~~  
30 ~~accrued in the previous year and carried over.~~

31 ~~(g) A driver is entitled to use accrued earned paid sick time if~~  
32 ~~the driver has used the transportation network company's platform as~~  
33 ~~a driver within 90 calendar days preceding the driver's request to~~  
34 ~~use earned paid sick time.~~

35 ~~(h) A driver is entitled to use earned paid sick time for the~~  
36 ~~following reasons:~~

37 ~~(i) An absence resulting from the driver's mental or physical~~  
38 ~~illness, injury, or health condition; to accommodate the driver's~~  
39 ~~need for medical diagnosis, care, or treatment of a mental or~~

1 ~~physical illness, injury, or health condition; or an employee's need~~  
2 ~~for preventive medical care;~~

3 ~~(ii) To allow the driver to provide care for a family member with~~  
4 ~~a mental or physical illness, injury, or health condition; care of a~~  
5 ~~family member who needs medical diagnosis, care, or treatment of a~~  
6 ~~mental or physical illness, injury, or health condition; or care for~~  
7 ~~a family member who needs preventive medical care;~~

8 ~~(iii) When the driver's child's school or place of care has been~~  
9 ~~closed by order of a public official for any health-related reason or~~  
10 ~~has been closed after the declaration of an emergency by a local or~~  
11 ~~state government or agency, or by the federal government;~~

12 ~~(iv) For absences for which an employee would be entitled for~~  
13 ~~leave under RCW 49.76.030; and~~

14 ~~(v) During a deactivation or other status that prevents the~~  
15 ~~driver from performing network services on the transportation network~~  
16 ~~company's platform, unless the deactivation or status is due to a~~  
17 ~~verified allegation of sexual assault or physical assault perpetrated~~  
18 ~~by the driver.~~

19 ~~(i) If a driver does not record any passenger platform time in a~~  
20 ~~transportation network company's driver platform for 365 or more~~  
21 ~~consecutive days, any unused earned paid sick time accrued up to that~~  
22 ~~point with that transportation network company is no longer valid or~~  
23 ~~recognized.~~

24 ~~(j) Drivers may use accrued days of earned paid sick time in~~  
25 ~~increments of a minimum of four or more hours. Drivers are entitled~~  
26 ~~to request four or more hours of earned paid sick time for immediate~~  
27 ~~use, including consecutive days of use. Drivers are not entitled to~~  
28 ~~use more than eight hours of earned paid sick time within a single~~  
29 ~~calendar day.~~

30 ~~(k) A transportation network company shall compensate a driver~~  
31 ~~for requested hours or days of earned paid sick time no later than 14~~  
32 ~~calendar days or the next regularly scheduled date of compensation~~  
33 ~~following the requested hours or days of earned paid sick time.~~

34 ~~(l) A transportation network company shall not request or require~~  
35 ~~reasonable verification of a driver's qualifying illness except as~~  
36 ~~would be permitted to be requested of an employee under subsection~~  
37 ~~(1)(g) of this section. If a transportation network company requires~~  
38 ~~verification pursuant to this subsection, the transportation network~~  
39 ~~company must compensate the driver for the requested hours or days of~~  
40 ~~earned paid sick time no later than the driver's next regularly~~

1 ~~scheduled date of compensation after satisfactory verification is~~  
2 ~~provided.~~

3 ~~(m) If a driver accepts an offer of prearranged services for~~  
4 ~~compensation from a transportation network company during the four-~~  
5 ~~hour period or periods for which the driver requested earned paid~~  
6 ~~sick time, a transportation network company may determine that the~~  
7 ~~driver did not use earned paid sick time for an authorized purpose.~~

8 ~~(n) A transportation network company shall provide each driver~~  
9 ~~with:~~

10 ~~(i) Written notification of the current rate of average hourly~~  
11 ~~compensation while a passenger is in the vehicle during the most~~  
12 ~~recent calendar month for use of earned paid sick time;~~

13 ~~(ii) An updated amount of accrued earned paid sick time since the~~  
14 ~~last notification;~~

15 ~~(iii) Reduced earned paid sick time since the last notification;~~

16 ~~(iv) Any unused earned paid sick time available for use; and~~

17 ~~(v) Any amount that the transportation network company may~~  
18 ~~subtract from the driver's compensation for earned paid sick time.~~  
19 ~~The transportation network company shall provide this information to~~  
20 ~~the driver no less than monthly. The transportation network company~~  
21 ~~may choose a reasonable system for providing this notification,~~  
22 ~~including but not limited to: A pay stub; a weekly summary of~~  
23 ~~compensation information; or an online system where drivers can~~  
24 ~~access their own earned paid sick time information. A transportation~~  
25 ~~network company is not required to provide this information to a~~  
26 ~~driver if the driver has not worked any days since the last~~  
27 ~~notification.~~

28 ~~(o) A transportation network company may not adopt or enforce any~~  
29 ~~policy that counts the use of earned paid sick time as an absence~~  
30 ~~that may lead to or result in any action that adversely affects the~~  
31 ~~driver's use of the transportation network.~~

32 ~~(p) A transportation network company may not take any action~~  
33 ~~against a driver that adversely affects the driver's use of the~~  
34 ~~transportation network due to his or her exercise of any rights under~~  
35 ~~this subsection including the use of earned paid sick time.~~

36 ~~(q) The department may adopt rules to implement this~~  
37 ~~subsection.))~~

38 NEW SECTION. **Sec. 7.** A new section is added to chapter 49.46  
39 RCW to read as follows:

1 Except as provided in RCW 49.46.180, every employer shall provide  
2 each of its employees paid vacation leave as follows:

3 (1) An employee shall accrue at least 2.3 hours of paid vacation  
4 leave for every 40 hours worked as an employee. An employer may  
5 provide paid vacation leave in advance of accrual provided that such  
6 front-loading meets or exceeds the requirements of this section for  
7 accrual, use, and carryover of paid vacation leave.

8 (2) An employee is entitled to use accrued paid vacation leave  
9 for any purpose beginning on the 90th calendar day after the  
10 commencement of their employment.

11 (3) Employers are not prevented from providing more generous paid  
12 vacation leave policies.

13 (4) An employer may require employees to give reasonable notice  
14 of an absence from work, so long as such notice does not interfere  
15 with an employee's lawful use of paid vacation leave.

16 (5) An employer may not require, as a condition of an employee  
17 taking paid vacation leave, that the employee search for or find a  
18 replacement worker to cover the hours during which the employee is on  
19 paid vacation leave.

20 (6) For each hour of paid vacation leave used, an employee shall  
21 be paid the greater of the minimum hourly wage rate established in  
22 this chapter or the employee's normal hourly compensation. The  
23 employer is responsible for providing regular notification to  
24 employees about the amount of paid vacation leave available to the  
25 employee.

26 (7) Except as provided in subsection (9) of this section, accrued  
27 and unused paid vacation leave carries over to the following year,  
28 but an employer is not required to allow an employee to carry over  
29 paid vacation leave in excess of 40 hours.

30 (8) Except as provided in subsection (9) of this section, an  
31 employer is not required to provide financial or other reimbursement  
32 for accrued and unused paid vacation leave to any employee upon the  
33 employee's termination, resignation, retirement, or other separation  
34 from employment. When there is a separation from employment and the  
35 employee is rehired within 12 months of separation by the same  
36 employer, whether at the same or a different business location of the  
37 employer, previously accrued unused paid vacation leave shall be  
38 reinstated and the previous period of employment shall be counted for  
39 purposes of determining the employee's eligibility to use paid  
40 vacation leave under subsection (2) of this section. For purposes of



1 this subsection (8), "previously accrued and unused paid vacation  
2 leave" does not include vacation leave paid out to a construction  
3 worker under subsection (9) of this section.

4 (9) (a) A construction industry employer must pay a construction  
5 worker, who has not met the 90th day eligibility under subsection (2)  
6 of this section at the time of separation, the balance of the  
7 worker's accrued and unused paid vacation leave at the end of the  
8 established pay period following the worker's separation pursuant to  
9 RCW 49.48.010(2).

10 (b) For the purposes of this section, "construction worker" and  
11 "construction industry employer" have the same meanings as provided  
12 in RCW 49.46.210.

13 (10) The department shall adopt rules regarding the required  
14 notice under subsection (4) of this section, combined paid time off  
15 leave banks, and circumstances when an employer may deny an  
16 employee's use of vacation leave.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 49.46  
18 RCW to read as follows:

19 (1) Beginning on the 90th calendar day after the commencement of  
20 an employee's employment, the employee is entitled to at least five  
21 days of paid bereavement leave per calendar year if an employee's  
22 family member dies.

23 (2) Employers are not prevented from providing more generous  
24 bereavement leave policies or to allow employees to take additional  
25 leave without pay for purposes of bereavement.

26 (3) An employer may not require an employee to take paid  
27 bereavement leave on consecutive days.

28 (4) For each day of paid bereavement leave used, an employee  
29 shall be paid the greater of the minimum hourly wage rate established  
30 in this chapter or the employee's normal hourly compensation.

31 (5) (a) An employer may require verification of the family  
32 member's death.

33 (b) Employer-required verification may not result in an  
34 unreasonable burden or expense on the employee.

35 (c) If an employer requires verification for the use of  
36 bereavement leave, the employer must have a written policy or a  
37 collective bargaining agreement outlining any such requirements. The  
38 employer must notify the employee of such policy or agreement,  
39 including the employee's right to assert that the verification

1 requirement results in an unreasonable burden or expense on the  
2 employee, prior to requiring the employee to provide verification. An  
3 employer must make this information readily available to all  
4 employees.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 49.46  
6 RCW to read as follows:

7 (1) An employer may not adopt or enforce any policy that counts  
8 the use of paid leave required under this chapter as an absence that  
9 may lead to or result in discipline against the employee.

10 (2) An employer may not discriminate or retaliate against an  
11 employee for the employee's exercise of any rights under this chapter  
12 including the use of paid leave required under RCW 49.46.210 or  
13 section 7 or 8 of this act.

14 **Sec. 10.** RCW 49.46.300 and 2022 c 281 s 1 are each amended to  
15 read as follows:

16 ~~((1))~~ The definitions in this ~~((subsection))~~ section apply  
17 throughout this section and RCW 49.46.310 through 49.46.350 and  
18 sections 11 through 15 of this act unless the context clearly  
19 requires otherwise.

20 ~~((a))~~ (1) "Account deactivation" means one or more of the  
21 following actions with respect to an individual driver or group of  
22 drivers that is implemented by a transportation network company and  
23 lasts for more than three consecutive days:

24 ~~((i))~~ (a) Blocking access to the transportation network company  
25 driver platform;

26 ~~((ii))~~ (b) Changing a driver's status from eligible to provide  
27 transportation network company services to ineligible; or

28 ~~((iii))~~ (c) Any other material restriction in access to the  
29 transportation network company's driver platform.

30 ~~((b))~~ (2) "Compensation" means payment owed to a driver by  
31 reason of providing network services including, but not limited to,  
32 the minimum payment for passenger platform time and mileage,  
33 incentives, and tips.

34 ~~((c) "Department" means the department of labor and industries.~~

35 ~~(d))~~ (3) "Digital network" means any online-enabled application,  
36 website, or system offered or used by a transportation network  
37 company that enables the prearrangement of rides between drivers and  
38 passengers.

1       ~~((e)) "Director" means the director of the department of labor~~  
2 ~~and industries.~~

3       ~~((f))~~ (4) "Dispatch location" means the location of the driver at  
4 the time the driver accepts a trip request through the driver  
5 platform.

6       ~~((g))~~ (5) "Dispatch platform time" means the time a driver  
7 spends traveling from a dispatch location to a passenger pick-up  
8 location. Dispatch platform time ends when a passenger cancels a trip  
9 or the driver begins the trip through the driver platform. A driver  
10 cannot simultaneously be engaged in dispatch platform time and  
11 passenger platform time for the same transportation network company.  
12 For shared rides, dispatch platform time means the time a driver  
13 spends traveling from the first dispatch location to the first  
14 passenger pick-up location.

15       ~~((h))~~ (6) "Dispatched trip" means the provision of  
16 transportation by a driver for a passenger through the use of a  
17 transportation network company's application dispatch system.

18       ~~((i))~~ (7) "Driver" has the same meaning as "commercial  
19 transportation services provider driver" in RCW 48.177.005. Except as  
20 otherwise specified in chapter 281, Laws of 2022, for purposes of  
21 this title and Titles 48, 50A, 50B, and 51 RCW, and any orders,  
22 regulations, administrative policies, or opinions of any state or  
23 local agency, board, division, or commission, pursuant to those  
24 titles, a driver is not an employee or agent of a transportation  
25 network company if the following factors are met:

26       ~~((i))~~ (a) The transportation network company does not  
27 unilaterally prescribe specific dates, times of day, or a minimum  
28 number of hours during which the driver must be logged into the  
29 transportation network company's online-enabled application or  
30 platform;

31       ~~((ii))~~ (b) The transportation network company may not terminate  
32 the contract of the driver for not accepting a specific  
33 transportation service request;

34       ~~((iii))~~ (c) The transportation network company does not  
35 contractually prohibit the driver from performing services through  
36 other transportation network companies except while performing  
37 services through the transportation network company's online-enabled  
38 application or platform during dispatch platform time and passenger  
39 platform time; ~~(and~~

1       ~~(iv)~~) (d) The transportation network company does not  
2 contractually prohibit the driver from working in any other lawful  
3 occupation or business~~((-))~~;

4       (e) Notwithstanding any state or local law to the contrary, any  
5 party seeking to establish that the factors in this subsection  
6 ~~((1-i))~~ (7) are not met bears the burden of proof~~((-))~~; and

7       (f) A driver for purposes of this section shall not include any  
8 person ultimately and finally determined to be an "employee" within  
9 the meaning of section 2(3) of the national labor relations act, 29  
10 U.S.C. Sec. 152(3).

11       ~~((j))~~ (8) "Driver platform" means the driver-facing application  
12 dispatch system software or any online-enabled application service,  
13 website, or system, used by a driver, or which enables services to be  
14 delivered to a driver that enables the prearrangement of passenger  
15 trips for compensation.

16       ~~((k))~~ (9) "Driver resource center" or "center" means a  
17 nonprofit organization that provides services to drivers. The  
18 nonprofit organization must be registered with the Washington  
19 secretary of state, have organizational bylaws giving drivers right  
20 to membership in the organization, and have demonstrated experience:  
21 (i) Providing services to gig economy drivers in Washington state,  
22 including representing drivers in deactivation appeals proceedings;  
23 and (ii) providing culturally competent driver representation  
24 services, outreach, and education. The administration and formation  
25 of the driver resource center may not be funded, excessively  
26 influenced, or controlled by a transportation network company.

27       ~~((l))~~ (10) "Driver resource center fund" or "fund" means the  
28 dedicated fund created in RCW 49.46.310, the sole purpose of which is  
29 to administer funds collected from transportation network companies  
30 to provide services, support, and benefits to drivers.

31       ~~((m))~~ (11) "Network services" means services related to the  
32 transportation of passengers through the driver platform that are  
33 provided by a driver while logged in to the driver platform,  
34 including services provided during available platform time, dispatch  
35 platform time, and passenger platform time.

36       ~~((n))~~ (12) "Passenger" has the same meaning as "commercial  
37 transportation services provider passenger" in RCW 48.177.005.

38       ~~((o))~~ (13) "Passenger drop-off location" means the location of  
39 a driver's vehicle when the passenger leaves the vehicle.

1       ~~((p))~~ (14) "Passenger pick-up location" means the location of  
2 the driver's vehicle at the time the driver starts the trip in the  
3 driver platform.

4       ~~((q))~~ (15) "Passenger platform miles" means all miles driven  
5 during passenger platform time as recorded in a transportation  
6 network company's driver platform.

7       ~~((r))~~ (16) "Passenger platform time" means the period of time  
8 when the driver is transporting one or more passengers on a trip. For  
9 shared rides, passenger platform time means the period of time  
10 commencing when the first passenger enters the driver's vehicle until  
11 the time when the last passenger exits the driver's vehicle.

12       ~~((s))~~ (17) "Personal vehicle" has the same meaning as "personal  
13 vehicle" in RCW 48.177.005.

14       ~~((t))~~ (18) "Shared ride" means a dispatched trip which, prior  
15 to its commencement, a passenger requests through the transportation  
16 network company's digital network to share the dispatched trip with  
17 one or more passengers and each passenger is charged a fare that is  
18 calculated, in whole or in part, based on the passenger's request to  
19 share all or a part of the dispatched trip with one or more  
20 passengers, regardless of whether the passenger actually shares all  
21 or a part of the dispatched trip.

22       ~~((u))~~ (19) "Tips" means a verifiable sum to be presented by a  
23 passenger as a gift or gratuity in recognition of service performed  
24 for the passenger by the driver receiving the tip.

25       ~~((v))~~ (20) "Transportation network company" has the same  
26 meaning as defined in RCW 46.04.652. A transportation network company  
27 does not provide for hire transportation service.

28       ~~((2) A driver is only covered by this section to the extent that  
29 the driver provides network services within the state of Washington.~~

30       ~~(3)(a) A transportation network company is covered by this  
31 section if it provides a driver platform within the state of  
32 Washington.~~

33       ~~(b) Separate entities that form an integrated enterprise are  
34 considered a single transportation network company under this  
35 section. Separate entities will be considered an integrated  
36 enterprise and a single transportation network company where a  
37 separate entity controls the operation of another entity. Factors to  
38 consider include, but are not limited to, the degree of interrelation  
39 between the operations of multiple entities; the degree to which the  
40 entities share common management; the centralized control of labor~~

1 ~~relations; the degree of common ownership or financial control over~~  
2 ~~the entities; and the use of a common brand, trade, business, or~~  
3 ~~operating name.~~

4 ~~(4) (a) Beginning December 31, 2022, a transportation network~~  
5 ~~company shall ensure that a driver's total compensation is not less~~  
6 ~~than the standard set forth in (a) (i), (ii), or (iii) of this~~  
7 ~~subsection (4).~~

8 ~~(i) For all dispatched trips originating in cities with a~~  
9 ~~population of more than 600,000, on a per trip basis the greater of:~~

10 ~~(A) \$0.59 per passenger platform minute for all passenger~~  
11 ~~platform time for that trip, and \$1.38 per passenger platform mile~~  
12 ~~for all passenger platform miles driven on that trip; or~~

13 ~~(B) A minimum of \$5.17 per dispatched trip.~~

14 ~~(ii) For all other dispatched trips, the greater of:~~

15 ~~(A) \$0.34 per passenger platform minute and \$1.17 per passenger~~  
16 ~~platform mile; or~~

17 ~~(B) A minimum of \$3.00 per dispatched trip.~~

18 ~~(iii) For all trips originating elsewhere and terminating in~~  
19 ~~cities with a population of more than 600,000:~~

20 ~~(A) For all passenger platform time spent within the city on that~~  
21 ~~trip and for all passenger platform miles driven in the city on that~~  
22 ~~trip the compensation standard under (a) (i) of this subsection~~  
23 ~~applies.~~

24 ~~(B) For all passenger platform time spent outside the city on~~  
25 ~~that trip and for all passenger platform miles driven outside the~~  
26 ~~city on that trip the compensation standard under (a) (ii) of this~~  
27 ~~subsection applies.~~

28 ~~(b) Beginning September 30, 2022, and on each following September~~  
29 ~~30th, the department shall calculate adjusted per mile and per minute~~  
30 ~~amounts and per trip minimums by increasing the current year's per~~  
31 ~~mile and per minute amounts and per trip minimums by the rate of~~  
32 ~~increase of the state minimum wage, calculated to the nearest cent.~~  
33 ~~The adjusted amount calculated under this section takes effect on the~~  
34 ~~following January 1st.~~

35 ~~(c) For shared rides, the per trip minimums in (a) (i) and (ii) of~~  
36 ~~this subsection shall apply only to the entirety of the shared ride,~~  
37 ~~and not on the basis of the individual passenger's trip within the~~  
38 ~~shared ride.~~

39 ~~(5) (a) For the purposes of this section, a dispatched trip~~  
40 ~~includes:~~

1       ~~(i) A dispatched trip in which the driver transports the~~  
2 ~~passenger to the passenger drop-off location;~~

3       ~~(ii) A dispatched trip canceled after two minutes by a passenger~~  
4 ~~or the transportation network company unless cancellation is due to~~  
5 ~~driver conduct, or no cancellation fee is charged to the passenger;~~

6       ~~(iii) A dispatched trip that is canceled by the driver for good~~  
7 ~~cause consistent with company policy; and~~

8       ~~(iv) A dispatched trip where the passenger does not appear at the~~  
9 ~~passenger pick-up location within five minutes.~~

10       ~~(b) A transportation network company may exclude time and miles~~  
11 ~~if doing so is reasonably necessary to remedy or prevent fraudulent~~  
12 ~~use of the transportation network company's online-enabled~~  
13 ~~application or platform.~~

14       ~~(6) (a) A transportation network company shall remit to drivers~~  
15 ~~all tips. Tips paid to a driver are in addition to, and may not count~~  
16 ~~towards, the driver's minimum compensation under this section.~~

17       ~~(b) Amounts charged to a passenger and remitted to the driver for~~  
18 ~~tolls, fees, or surcharges incurred by a driver during a trip must~~  
19 ~~not be included in calculating compensation for purposes of~~  
20 ~~subsection (4) of this section.~~

21       ~~(c) (i) Beginning January 1, 2023, except as required by law, a~~  
22 ~~transportation network company may only deduct compensation when the~~  
23 ~~driver expressly authorizes the deduction in writing and does so in~~  
24 ~~advance for a lawful purpose. Any authorization by a driver must be~~  
25 ~~voluntary and knowing.~~

26       ~~(ii) Nothing in this section shall prohibit a transportation~~  
27 ~~network company from deducting compensation as required by state or~~  
28 ~~federal law or as directed by a court order.~~

29       ~~(iii) Neither the transportation network company nor any person~~  
30 ~~acting in the interest of the transportation network company may~~  
31 ~~derive any financial profit or benefit from any of the deductions~~  
32 ~~under this section. For the purposes of this section:~~

33       ~~(A) Reasonable interest charged by the transportation network~~  
34 ~~company or any person acting in the interest of a transportation~~  
35 ~~network company, for a loan or credit extended to the driver, is not~~  
36 ~~considered to be of financial benefit to the transportation network~~  
37 ~~company or person acting in the interest of a transportation network~~  
38 ~~company; and~~

1 ~~(B) A deduction will be considered for financial profit or~~  
2 ~~benefit only if it results in a gain over and above the fair market~~  
3 ~~value of the goods or services for which the deduction was made.~~

4 ~~(7) (a) Beginning January 1, 2023, a transportation network~~  
5 ~~company shall provide each driver with a written notice of rights~~  
6 ~~established by this section in a form and manner sufficient to inform~~  
7 ~~drivers of their rights under this section. The notice of rights~~  
8 ~~shall provide information on:~~

9 ~~(i) The right to the applicable per minute rate and per mile rate~~  
10 ~~or per trip rate guaranteed by this section;~~

11 ~~(ii) The right to be protected from retaliation for exercising in~~  
12 ~~good faith the rights protected by this section; and~~

13 ~~(iii) The right to seek legal action or file a complaint with the~~  
14 ~~department for violation of the requirements of this section,~~  
15 ~~including a transportation network company's failure to pay the~~  
16 ~~minimum per minute rate or per mile rate or per trip rate, or a~~  
17 ~~transportation network company's retaliation against a driver or~~  
18 ~~other person for engaging in an activity protected by this section.~~

19 ~~(b) A transportation network company shall provide the notice of~~  
20 ~~rights required by this section in an electronic format that is~~  
21 ~~readily accessible to the driver. The notice of rights shall be made~~  
22 ~~available to the driver via smartphone application or online web~~  
23 ~~portal, in English and the five most common foreign languages spoken~~  
24 ~~in this state.~~

25 ~~(8) Beginning December 31, 2022, within 24 hours of completion of~~  
26 ~~each dispatched trip, a transportation network company must transmit~~  
27 ~~an electronic receipt to the driver that contains the following~~  
28 ~~information for each unique trip, or portion of a unique trip,~~  
29 ~~covered by this section:~~

30 ~~(a) The total amount of passenger platform time;~~

31 ~~(b) The total mileage driven during passenger platform time;~~

32 ~~(c) Rate or rates of pay, including but not limited to the rate~~  
33 ~~per minute, rate per mile, percentage of passenger fare, and any~~  
34 ~~applicable price multiplier or variable pricing policy in effect for~~  
35 ~~the trip;~~

36 ~~(d) Tip compensation;~~

37 ~~(e) Gross payment;~~

38 ~~(f) Net payment after deductions, fees, tolls, surcharges, lease~~  
39 ~~fees, or other charges; and~~



1 ~~(g) Itemized deductions or fees, including any toll, surcharge,~~  
2 ~~commission, lease fees, and other charges.~~

3 ~~(9) Beginning January 1, 2023, a transportation network company~~  
4 ~~shall make driver per trip receipts available in a downloadable~~  
5 ~~format, such as a comma-separated values file or PDF file, via~~  
6 ~~smartphone application or online web portal for a period of two years~~  
7 ~~from the date the transportation network company provided the receipt~~  
8 ~~to the driver.~~

9 ~~(10) Beginning January 1, 2023, on a weekly basis, the~~  
10 ~~transportation network company shall provide written notice to the~~  
11 ~~driver that contains the following information for trips, or a~~  
12 ~~portion of a trip, that is covered by this section and which occurred~~  
13 ~~in the prior week:~~

14 ~~(a) The driver's total passenger platform time;~~

15 ~~(b) Total mileage driven by the driver during passenger platform~~  
16 ~~time;~~

17 ~~(c) The driver's total tip compensation;~~

18 ~~(d) The driver's gross payment, itemized by: (i) Rate per minute;~~  
19 ~~(ii) rate per mile; and (iii) any other method used to calculate pay~~  
20 ~~including, but not limited to, base pay, percentage of passenger~~  
21 ~~fare, or any applicable price multiplier or variable pricing policy~~  
22 ~~in effect for the trip;~~

23 ~~(e) The driver's net payment after deductions, fees, tolls,~~  
24 ~~surcharges, lease fees, or other charges; and~~

25 ~~(f) Itemized deductions or fees, including all tolls, surcharges,~~  
26 ~~commissions, lease fees, and other charges, from the driver's~~  
27 ~~payment.~~

28 ~~(11) Beginning January 1, 2023, within 24 hours of a trip's~~  
29 ~~completion, a transportation network company must transmit an~~  
30 ~~electronic receipt to the passenger, for on trip time, on behalf of~~  
31 ~~the driver that lists:~~

32 ~~(a) The date and time of the trip;~~

33 ~~(b) The passenger pick-up and passenger drop-off locations for~~  
34 ~~the trip. In describing the passenger pick-up location and passenger~~  
35 ~~drop-off location, the transportation network company shall describe~~  
36 ~~the location by indicating the specific block (e.g. "the 300 block of~~  
37 ~~Pine Street") in which the passenger pick-up and passenger drop-off~~  
38 ~~occurred. A transportation network company is authorized to indicate~~  
39 ~~the location with greater specificity, such as with a street address~~  
40 ~~or intersection, at its discretion;~~

1 ~~(c) The total duration and distance of the trip;~~

2 ~~(d) The driver's first name;~~

3 ~~(e) The total fare paid, itemizing all charges and fees; and~~

4 ~~(f) The total passenger-paid tips.~~

5 ~~(12)(a) Beginning July 1, 2024, transportation network companies~~  
6 ~~shall collect and remit a \$0.15 per trip fee to the driver resource~~  
7 ~~center fund, created in RCW 49.46.310, for the driver resource center~~  
8 ~~to support the driver community. The remittance under this subsection~~  
9 ~~is a pass-through of passenger fares and shall not be considered a~~  
10 ~~transportation network company's funding of the driver resource~~  
11 ~~center. Passenger fares paid include each individual trip portion on~~  
12 ~~shared trips. The remittances to the fund must be made on a quarterly~~  
13 ~~basis.~~

14 ~~(b) Beginning September 30, 2024, and on each following September~~  
15 ~~30th, the department shall calculate an adjusted per trip fee by~~  
16 ~~adjusting the current amount by the rate of inflation. The adjusted~~  
17 ~~amounts must be calculated to the nearest cent using the consumer~~  
18 ~~price index for urban wage earners and clerical workers, CPI-W, or a~~  
19 ~~successor index, for the 12 months prior to each September 1st as~~  
20 ~~calculated by the United States department of labor. Each adjusted~~  
21 ~~amount calculated under this subsection takes effect on the following~~  
22 ~~January 1st.~~

23 ~~(13) No later than one year after June 9, 2022, transportation~~  
24 ~~network companies shall provide an opportunity for drivers to make~~  
25 ~~voluntary per trip earnings deduction contributions to the driver~~  
26 ~~resource center, provided that 100 or more drivers working for~~  
27 ~~transportation network companies covered under this section have~~  
28 ~~authorized such a deduction to the driver resource center, and~~  
29 ~~subject to the following:~~

30 ~~(a) A driver must expressly authorize the deduction in writing.~~  
31 ~~Written authorization must include, at a minimum, sufficient~~  
32 ~~information to identify the driver and the driver's desired per trip~~  
33 ~~deduction amount. These deductions may reduce the driver's per trip~~  
34 ~~earnings below the minimums set forth in this section.~~

35 ~~(b) The transportation network company may require written~~  
36 ~~authorization to be submitted in electronic format from the driver~~  
37 ~~resource center.~~

38 ~~(c) The transportation network company shall make the first~~  
39 ~~deductions within 30 days of receiving a written authorization of the~~  
40 ~~driver, and shall remit deductions to the driver resource center each~~

1 month, with remittance due not later than 28 days following the end  
2 of the month.

3 ~~(d) A driver's authorization remains in effect until the driver  
4 resource center provides an express revocation to the transportation  
5 network company.~~

6 ~~(e) A transportation network company shall rely on information  
7 provided by the driver resource center regarding the authorization  
8 and revocation of deductions.~~

9 ~~(f) Upon request by a transportation network company, the driver  
10 resource center shall reimburse the transportation network company  
11 for the costs associated with deduction and remittance. The  
12 department shall adopt rules to calculate the reimbursable costs.~~

13 ~~(14) Each transportation network company shall submit to the  
14 fund, with its remittance under subsection (12) of this section, a  
15 report detailing the number of trips in the previous quarter and the  
16 total amount of the surcharge charged to customers. The first payment  
17 and accounting is due on the 30th day of the quarter following the  
18 imposition of the surcharge. Failure to remit payments by the  
19 deadlines is deemed a delinquency and the transportation network  
20 company is subject to penalties and interest provided in RCW  
21 49.46.330.~~

22 ~~(15) (a) The state expressly intends to displace competition with  
23 regulation allowing a transportation network company, at its own  
24 volition, to enter into an agreement with the driver resource center  
25 regarding a driver account deactivation appeals process for eligible  
26 account deactivations. It is the policy of the state to promote a  
27 fair appeals process related to eligible account deactivations that  
28 supports the rights of drivers and transportation network companies  
29 and provides fair processes related to eligible account  
30 deactivations. The state intends that any agreement under this  
31 section is immune from all federal and state antitrust laws.~~

32 ~~(i) "Eligible account deactivation" means one or more of the  
33 following actions with respect to an individual driver that is  
34 implemented by a transportation network company:~~

35 ~~(A) Blocking or restricting access to the transportation network  
36 company driver platform for three or more consecutive days; or~~

37 ~~(B) Changing a driver's account status from eligible to provide  
38 transportation network company services to ineligible for three or  
39 more consecutive days.~~

1       ~~(ii) An eligible account deactivation does not include any change~~  
2 ~~in a driver's access or account status that is:~~

3       ~~(A) Related to an allegation of discrimination, harassment,~~  
4 ~~including sexual harassment or harassment due to someone's membership~~  
5 ~~in a protected class, or physical or sexual assault, or willful or~~  
6 ~~knowing commitment of fraud;~~

7       ~~(B) Related to an allegation that the driver was under the~~  
8 ~~influence of drugs or alcohol while a related active investigation~~  
9 ~~that takes no longer than 10 business days is under way; or~~

10       ~~(C) Any other categories the transportation network company and~~  
11 ~~the driver resource center may agree to as part of the agreement~~  
12 ~~under this subsection.~~

13       ~~(iii) A transportation network company shall enter into an~~  
14 ~~agreement with the driver resource center regarding the driver~~  
15 ~~account deactivation appeals process for eligible account~~  
16 ~~deactivations. Any agreement must be approved by the department. The~~  
17 ~~department may approve an agreement only if the agreement contains~~  
18 ~~the provisions in (a) (iv) of this subsection.~~

19       ~~(iv) The agreement must provide an appeals process for drivers~~  
20 ~~whose account has been subject to an eligible account deactivation.~~  
21 ~~The appeals process must include the following protections:~~

22       ~~(A) Opportunity for a driver representative to support a driver,~~  
23 ~~upon the driver's request, throughout the account deactivation~~  
24 ~~appeals process for eligible account deactivations;~~

25       ~~(B) Notification, as required by (d) of this subsection, to~~  
26 ~~drivers of their right to representation by the driver resource~~  
27 ~~center at the time of the eligible account deactivation;~~

28       ~~(C) Within 30 calendar days of a request, furnishing to the~~  
29 ~~driver resource center an explanation and information the~~  
30 ~~transportation network company may have relied upon in making the~~  
31 ~~deactivation decision, excluding confidential, proprietary, or~~  
32 ~~otherwise privileged communications, provided that personal~~  
33 ~~identifying information and confidential information is redacted to~~  
34 ~~address reasonable privacy and confidentiality concerns;~~

35       ~~(D) A good faith, informal resolution process that is committed~~  
36 ~~to efficient resolution of conflicts regarding eligible account~~  
37 ~~deactivations within 30 days of the transportation network company~~  
38 ~~being notified that the driver contests the explanation offered by~~  
39 ~~the company;~~

1       ~~(E) A formal process that includes a just cause standard, with~~  
2 ~~deadlines for adjudication of an appeal of an eligible account~~  
3 ~~deactivation by a panel that includes a mutually agreed-upon neutral~~  
4 ~~third party with experience in dispute resolution. The panel has the~~  
5 ~~authority to make binding decisions within the confines of the law~~  
6 ~~and make-whole monetary awards, including back pay, based on an~~  
7 ~~agreed-upon formula for cases not resolved during the informal~~  
8 ~~process;~~

9       ~~(F) Agreement by the transportation network company to use the~~  
10 ~~process set forth in this subsection to resolve disputes over~~  
11 ~~eligible account deactivation appeals as an alternative to private~~  
12 ~~arbitration with regard to such a dispute, should the driver and~~  
13 ~~transportation network company so choose; and~~

14       ~~(G) Agreement by the transportation network company that, for~~  
15 ~~eligible account deactivations in which the driver or transportation~~  
16 ~~network company elect private arbitration in lieu of the formal~~  
17 ~~process outlined in (a) (iv) (E) of this subsection (15), the~~  
18 ~~transportation network company shall offer the driver the opportunity~~  
19 ~~to have the eligible deactivation adjudicated under the just cause~~  
20 ~~standard outlined in (a) (iv) (E) of this subsection.~~

21       ~~(b) A transportation network company that enters into an~~  
22 ~~agreement with the driver resource center shall reach agreement~~  
23 ~~through the following steps:~~

24       ~~(i) (A) For a transportation network company operating a digital~~  
25 ~~network in the state of Washington as of June 9, 2022, the driver~~  
26 ~~resource center and transportation network company must make good~~  
27 ~~faith efforts to reach an agreement within 120 days of an~~  
28 ~~organization being selected as the driver resource center under RCW~~  
29 ~~49.46.310.~~

30       ~~(B) For a transportation network company who begins operating a~~  
31 ~~digital network in the state of Washington after an organization has~~  
32 ~~been selected as the driver resource center under RCW 49.46.310, the~~  
33 ~~driver resource center and transportation network company must make~~  
34 ~~good faith efforts to reach an agreement within 120 days of the~~  
35 ~~transportation network company beginning operation of a digital~~  
36 ~~network in the state of Washington.~~

37       ~~(ii) If the driver resource center and transportation network~~  
38 ~~company cannot reach an agreement, then they are required to submit~~  
39 ~~issues of dispute before a jointly agreed-upon mediator.~~

1       ~~(iii) After mediation lasting no more than two months has been~~  
2 ~~exhausted and no resolution has been reached, then the parties will~~  
3 ~~proceed to binding arbitration before a panel of arbitrators~~  
4 ~~consisting of one arbitrator selected by the driver resource center,~~  
5 ~~one arbitrator selected by the transportation network company, and a~~  
6 ~~third arbitrator selected by the other two. If the two selected~~  
7 ~~arbitrators cannot agree to the third arbitrator within 10 days, then~~  
8 ~~the third arbitrator shall be determined from a list of seven~~  
9 ~~arbitrators with experience in labor disputes or interest arbitration~~  
10 ~~designated by the American arbitration association. A coin toss shall~~  
11 ~~determine which side strikes the first name. Thereafter the other~~  
12 ~~side shall strike a name. The process will continue until only one~~  
13 ~~name remains, who shall be the third arbitrator. Alternatively, the~~  
14 ~~driver resource center and the transportation network company may~~  
15 ~~agree to a single arbitrator.~~

16       ~~(iv) The arbitrators must submit their decision, based on~~  
17 ~~majority rule, within 60 days of the panel or arbitrator being~~  
18 ~~chosen.~~

19       ~~(v) The decision of the majority of arbitrators is final and~~  
20 ~~binding and will then be submitted to the director of the department~~  
21 ~~for final approval.~~

22       ~~(c) In reviewing any agreement between a transportation network~~  
23 ~~company and the driver resource center, under (a) of this subsection,~~  
24 ~~the department shall review the agreement to ensure that its content~~  
25 ~~is consistent with this subsection and the public policy goals set~~  
26 ~~forth in this subsection. The department shall consider in its review~~  
27 ~~both qualitative and quantitative effects of the agreement and how~~  
28 ~~the agreement comports with the state policies set forth in this~~  
29 ~~section. In conducting a review, the record shall not be limited to~~  
30 ~~the submissions of the parties nor to the terms of the proposed~~  
31 ~~agreement and the department shall have the right to conduct public~~  
32 ~~hearings and request additional information from the parties,~~  
33 ~~provided that such information: (i) Is relevant for determining~~  
34 ~~whether the agreement complies with this subsection; and (ii) does~~  
35 ~~not contain either parties' confidential, proprietary, or privileged~~  
36 ~~information, or any individual's personal identifying information~~  
37 ~~from the parties. The department may approve or reject a proposed~~  
38 ~~agreement, and may require the parties to submit a revised proposal~~  
39 ~~on all or particular parts of the proposed agreement. If the~~  
40 ~~department rejects an agreement, it shall set forth its reasoning in~~

1 ~~writing and shall suggest ways the parties may remedy the failures.~~  
2 ~~Absent good cause, the department shall issue a written determination~~  
3 ~~regarding its approval or rejection within 60 days of submission of~~  
4 ~~the agreement.~~

5 ~~(d)(i) For any account deactivation, the transportation network~~  
6 ~~company shall provide notification to the driver, at the time of~~  
7 ~~deactivation, that the driver may have the right to representation by~~  
8 ~~the driver resource center to appeal the account deactivation.~~

9 ~~(ii) A transportation network company must provide any driver~~  
10 ~~whose account is subject to an account deactivation between June 9,~~  
11 ~~2022, and the effective date of the agreement the contact information~~  
12 ~~of the driver resource center and notification that the driver may~~  
13 ~~have the right to appeal the account deactivation with representation~~  
14 ~~by the driver resource center.~~

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

16 NEW SECTION. **Sec. 11.** A new section is added to chapter 49.46  
17 RCW to read as follows:

18 (1) A driver is only covered by this section to the extent that  
19 the driver provides network services within the state of Washington.

20 (2)(a) A transportation network company is covered by this  
21 section if it provides a driver platform within the state of  
22 Washington.

23 (b) Separate entities that form an integrated enterprise are  
24 considered a single transportation network company under this  
25 section. Separate entities will be considered an integrated  
26 enterprise and a single transportation network company where a  
27 separate entity controls the operation of another entity. Factors to  
28 consider include, but are not limited to: The degree of interrelation  
29 between the operations of multiple entities; the degree to which the  
30 entities share common management; the centralized control of labor  
31 relations; the degree of common ownership or financial control over  
32 the entities; and the use of a common brand, trade, business, or  
33 operating name.

34 (3)(a) Beginning December 31, 2022, a transportation network  
35 company shall ensure that a driver's total compensation is not less  
36 than the standard set forth in this subsection (3)(a).

37 (i) For all dispatched trips originating in cities with a  
38 population of more than 600,000, on a per trip basis the greater of:

1 (A) \$0.59 per passenger platform minute for all passenger  
2 platform time for that trip, and \$1.38 per passenger platform mile  
3 for all passenger platform miles driven on that trip; or

4 (B) A minimum of \$5.17 per dispatched trip.

5 (ii) For all other dispatched trips, the greater of:

6 (A) \$0.34 per passenger platform minute and \$1.17 per passenger  
7 platform mile; or

8 (B) A minimum of \$3.00 per dispatched trip.

9 (iii) For all trips originating elsewhere and terminating in  
10 cities with a population of more than 600,000:

11 (A) For all passenger platform time spent within the city on that  
12 trip and for all passenger platform miles driven in the city on that  
13 trip the compensation standard under (a)(i) of this subsection  
14 applies;

15 (B) For all passenger platform time spent outside the city on  
16 that trip and for all passenger platform miles driven outside the  
17 city on that trip the compensation standard under (a)(ii) of this  
18 subsection applies.

19 (b) Beginning September 30, 2022, and on each following September  
20 30th, the department shall calculate adjusted per mile and per minute  
21 amounts and per trip minimums by increasing the current year's per  
22 mile and per minute amounts and per trip minimums by the rate of  
23 increase of the state minimum wage, calculated to the nearest cent.  
24 The adjusted amount calculated under this section takes effect on the  
25 following January 1st.

26 (c) For shared rides, the per trip minimums in (a)(i) and (ii) of  
27 this subsection shall apply only to the entirety of the shared ride,  
28 and not on the basis of the individual passenger's trip within the  
29 shared ride.

30 (4)(a) For the purposes of this section, a dispatched trip  
31 includes:

32 (i) A dispatched trip in which the driver transports the  
33 passenger to the passenger drop-off location;

34 (ii) A dispatched trip canceled after two minutes by a passenger  
35 or the transportation network company unless cancellation is due to  
36 driver conduct, or no cancellation fee is charged to the passenger;

37 (iii) A dispatched trip that is canceled by the driver for good  
38 cause consistent with company policy; and

39 (iv) A dispatched trip where the passenger does not appear at the  
40 passenger pick-up location within five minutes.



1 (b) A transportation network company may exclude time and miles  
2 if doing so is reasonably necessary to remedy or prevent fraudulent  
3 use of the transportation network company's online-enabled  
4 application or platform.

5 (5)(a) A transportation network company shall remit to drivers  
6 all tips. Tips paid to a driver are in addition to, and may not count  
7 towards, the driver's minimum compensation under this section.

8 (b) Amounts charged to a passenger and remitted to the driver for  
9 tolls, fees, or surcharges incurred by a driver during a trip must  
10 not be included in calculating compensation for purposes of  
11 subsection (3) of this section.

12 (c)(i) Beginning January 1, 2023, except as required by law, a  
13 transportation network company may only deduct compensation when the  
14 driver expressly authorizes the deduction in writing and does so in  
15 advance for a lawful purpose. Any authorization by a driver must be  
16 voluntary and knowing.

17 (ii) Nothing in this section shall prohibit a transportation  
18 network company from deducting compensation as required by state or  
19 federal law or as directed by a court order.

20 (iii) Neither the transportation network company nor any person  
21 acting in the interest of the transportation network company may  
22 derive any financial profit or benefit from any of the deductions  
23 under this section. For the purposes of this section:

24 (A) Reasonable interest charged by the transportation network  
25 company or any person acting in the interest of a transportation  
26 network company, for a loan or credit extended to the driver, is not  
27 considered to be of financial benefit to the transportation network  
28 company or person acting in the interest of a transportation network  
29 company; and

30 (B) A deduction will be considered for financial profit or  
31 benefit only if it results in a gain over and above the fair market  
32 value of the goods or services for which the deduction was made.

33 (6)(a) Beginning January 1, 2023, a transportation network  
34 company shall provide each driver with a written notice of rights  
35 established by this section in a form and manner sufficient to inform  
36 drivers of their rights under this section. The notice of rights  
37 shall provide information on:

38 (i) The right to the applicable per minute rate and per mile rate  
39 or per trip rate guaranteed by this section;

1 (ii) The right to be protected from retaliation for exercising in  
2 good faith the rights protected by this section; and

3 (iii) The right to seek legal action or file a complaint with the  
4 department for violation of the requirements of this section,  
5 including a transportation network company's failure to pay the  
6 minimum per minute rate or per mile rate or per trip rate, or a  
7 transportation network company's retaliation against a driver or  
8 other person for engaging in an activity protected by this section.

9 (b) A transportation network company shall provide the notice of  
10 rights required by this section in an electronic format that is  
11 readily accessible to the driver. The notice of rights shall be made  
12 available to the driver via smartphone application or online web  
13 portal, in English, and the five most common foreign languages spoken  
14 in this state.

15 (7) Beginning December 31, 2022, within 24 hours of completion of  
16 each dispatched trip, a transportation network company must transmit  
17 an electronic receipt to the driver that contains the following  
18 information for each unique trip, or portion of a unique trip,  
19 covered by this section:

20 (a) The total amount of passenger platform time;

21 (b) The total mileage driven during passenger platform time;

22 (c) Rate or rates of pay including, but not limited to, the rate  
23 per minute, rate per mile, percentage of passenger fare, and any  
24 applicable price multiplier or variable pricing policy in effect for  
25 the trip;

26 (d) Tip compensation;

27 (e) Gross payment;

28 (f) Net payment after deductions, fees, tolls, surcharges, lease  
29 fees, or other charges; and

30 (g) Itemized deductions or fees, including any toll, surcharge,  
31 commission, lease fees, and other charges.

32 (8) Beginning January 1, 2023, a transportation network company  
33 shall make driver per trip receipts available in a downloadable  
34 format, such as a comma-separated values file or PDF file, via  
35 smartphone application or online web portal for a period of two years  
36 from the date the transportation network company provided the receipt  
37 to the driver.

38 (9) Beginning January 1, 2023, on a weekly basis, the  
39 transportation network company shall provide written notice to the  
40 driver that contains the following information for trips, or a

1 portion of a trip, that is covered by this section and which occurred  
2 in the prior week:

3 (a) The driver's total passenger platform time;

4 (b) Total mileage driven by the driver during passenger platform  
5 time;

6 (c) The driver's total tip compensation;

7 (d) The driver's gross payment, itemized by: (i) Rate per minute;  
8 (ii) rate per mile; and (iii) any other method used to calculate pay  
9 including, but not limited to, base pay, percentage of passenger  
10 fare, or any applicable price multiplier or variable pricing policy  
11 in effect for the trip;

12 (e) The driver's net payment after deductions, fees, tolls,  
13 surcharges, lease fees, or other charges; and

14 (f) Itemized deductions or fees, including all tolls, surcharges,  
15 commissions, lease fees, and other charges, from the driver's  
16 payment.

17 (10) Beginning January 1, 2023, within 24 hours of a trip's  
18 completion, a transportation network company must transmit an  
19 electronic receipt to the passenger, for on trip time, on behalf of  
20 the driver that lists:

21 (a) The date and time of the trip;

22 (b) The passenger pick-up and passenger drop-off locations for  
23 the trip. In describing the passenger pick-up location and passenger  
24 drop-off location, the transportation network company shall describe  
25 the location by indicating the specific block (e.g. "the 300 block of  
26 Pine Street") in which the passenger pick-up and passenger drop-off  
27 occurred. A transportation network company is authorized to indicate  
28 the location with greater specificity, such as with a street address  
29 or intersection, at its discretion;

30 (c) The total duration and distance of the trip;

31 (d) The driver's first name;

32 (e) The total fare paid, itemizing all charges and fees; and

33 (f) The total passenger-paid tips.

34 NEW SECTION. **Sec. 12.** A new section is added to chapter 49.46  
35 RCW to read as follows:

36 (1) (a) Transportation network companies shall collect and remit a  
37 \$0.15 per trip fee to the driver resource center fund, created in RCW  
38 49.46.310, for the driver resource center to support the driver  
39 community. The remittance under this subsection is a pass-through of

1 passenger fares and shall not be considered a transportation network  
2 company's funding of the driver resource center. Passenger fares paid  
3 include each individual trip portion on shared trips. The remittances  
4 to the fund must be made on a quarterly basis.

5 (b) Beginning September 30, 2024, and on each following September  
6 30th, the department shall calculate an adjusted per trip fee by  
7 adjusting the current amount by the rate of inflation. The adjusted  
8 amounts must be calculated to the nearest cent using the consumer  
9 price index for urban wage earners and clerical workers, CPI-W, or a  
10 successor index, for the 12 months prior to each September 1st as  
11 calculated by the United States department of labor. Each adjusted  
12 amount calculated under this subsection takes effect on the following  
13 January 1st.

14 (2) Transportation network companies shall provide an opportunity  
15 for drivers to make voluntary per trip earnings deduction  
16 contributions to the driver resource center, provided that 100 or  
17 more drivers working for transportation network companies covered  
18 under this section have authorized such a deduction to the driver  
19 resource center, and subject to the following:

20 (a) A driver must expressly authorize the deduction in writing.  
21 Written authorization must include, at a minimum, sufficient  
22 information to identify the driver and the driver's desired per trip  
23 deduction amount. These deductions may reduce the driver's per trip  
24 earnings below the minimums set forth in this section.

25 (b) The transportation network company may require written  
26 authorization to be submitted in electronic format from the driver  
27 resource center.

28 (c) The transportation network company shall make the first  
29 deductions within 30 days of receiving a written authorization of the  
30 driver and shall remit deductions to the driver resource center each  
31 month, with remittance due not later than 28 days following the end  
32 of the month.

33 (d) A driver's authorization remains in effect until the driver  
34 resource center provides an express revocation to the transportation  
35 network company.

36 (e) A transportation network company shall rely on information  
37 provided by the driver resource center regarding the authorization  
38 and revocation of deductions.

39 (f) Upon request by a transportation network company, the driver  
40 resource center shall reimburse the transportation network company

1 for the costs associated with deduction and remittance. The  
2 department shall adopt rules to calculate the reimbursable costs.

3 (3) Each transportation network company shall submit to the fund,  
4 with its remittance under subsection (1) of this section, a report  
5 detailing the number of trips in the previous quarter and the total  
6 amount of the surcharge charged to customers. The first payment and  
7 accounting is due on the 30th day of the quarter following the  
8 imposition of the surcharge. Failure to remit payments by the  
9 deadlines is deemed a delinquency and the transportation network  
10 company is subject to penalties and interest provided in RCW  
11 49.46.330.

12 (4) (a) The state expressly intends to displace competition with  
13 regulation allowing a transportation network company, at its own  
14 volition, to enter into an agreement with the driver resource center  
15 regarding a driver account deactivation appeals process for eligible  
16 account deactivations. It is the policy of the state to promote a  
17 fair appeals process related to eligible account deactivations that  
18 supports the rights of drivers and transportation network companies  
19 and provides fair processes related to eligible account  
20 deactivations. The state intends that any agreement under this  
21 section is immune from all federal and state antitrust laws.

22 (i) "Eligible account deactivation" means one or more of the  
23 following actions with respect to an individual driver that is  
24 implemented by a transportation network company:

25 (A) Blocking or restricting access to the transportation network  
26 company driver platform for three or more consecutive days; or

27 (B) Changing a driver's account status from eligible to provide  
28 transportation network company services to ineligible for three or  
29 more consecutive days.

30 (ii) An eligible account deactivation does not include any change  
31 in a driver's access or account status that is:

32 (A) Related to an allegation of discrimination, harassment,  
33 including sexual harassment or harassment due to someone's membership  
34 in a protected class, or physical or sexual assault, or willful or  
35 knowing commitment of fraud;

36 (B) Related to an allegation that the driver was under the  
37 influence of drugs or alcohol while a related active investigation  
38 that takes no longer than 10 business days is underway; or

1 (C) Any other categories the transportation network company and  
2 the driver resource center may agree to as part of the agreement  
3 under this subsection.

4 (iii) A transportation network company shall enter into an  
5 agreement with the driver resource center regarding the driver  
6 account deactivation appeals process for eligible account  
7 deactivations. Any agreement must be approved by the department. The  
8 department may approve an agreement only if the agreement contains  
9 the provisions in (a)(iv) of this subsection.

10 (iv) The agreement must provide an appeals process for drivers  
11 whose account has been subject to an eligible account deactivation.  
12 The appeals process must include the following protections:

13 (A) Opportunity for a driver representative to support a driver,  
14 upon the driver's request, throughout the account deactivation  
15 appeals process for eligible account deactivations;

16 (B) Notification, as required by (d) of this subsection, to  
17 drivers of their right to representation by the driver resource  
18 center at the time of the eligible account deactivation;

19 (C) Within 30 calendar days of a request, furnishing to the  
20 driver resource center an explanation and information the  
21 transportation network company may have relied upon in making the  
22 deactivation decision, excluding confidential, proprietary, or  
23 otherwise privileged communications, provided that personal  
24 identifying information and confidential information is redacted to  
25 address reasonable privacy and confidentiality concerns;

26 (D) A good faith, informal resolution process that is committed  
27 to efficient resolution of conflicts regarding eligible account  
28 deactivations within 30 days of the transportation network company  
29 being notified that the driver contests the explanation offered by  
30 the company;

31 (E) A formal process that includes a just cause standard, with  
32 deadlines for adjudication of an appeal of an eligible account  
33 deactivation by a panel that includes a mutually agreed-upon neutral  
34 third party with experience in dispute resolution. The panel has the  
35 authority to make binding decisions within the confines of the law  
36 and make whole monetary awards, including back pay, based on an  
37 agreed-upon formula for cases not resolved during the informal  
38 process;

39 (F) Agreement by the transportation network company to use the  
40 process set forth in this subsection to resolve disputes over

1 eligible account deactivation appeals as an alternative to private  
2 arbitration with regard to such a dispute, should the driver and  
3 transportation network company so choose; and

4 (G) Agreement by the transportation network company that, for  
5 eligible account deactivations in which the driver or transportation  
6 network company elect private arbitration in lieu of the formal  
7 process outlined in (a)(iv)(E) of this subsection (4), the  
8 transportation network company shall offer the driver the opportunity  
9 to have the eligible deactivation adjudicated under the just cause  
10 standard outlined in (a)(iv)(E) of this subsection.

11 (b) A transportation network company that enters into an  
12 agreement with the driver resource center shall reach agreement  
13 through the following steps:

14 (i)(A) For a transportation network company operating a digital  
15 network in the state of Washington as of June 9, 2022, the driver  
16 resource center and transportation network company must make good  
17 faith efforts to reach an agreement within 120 days of an  
18 organization being selected as the driver resource center under RCW  
19 49.46.310.

20 (B) For a transportation network company who begins operating a  
21 digital network in the state of Washington after an organization has  
22 been selected as the driver resource center under RCW 49.46.310, the  
23 driver resource center and transportation network company must make  
24 good faith efforts to reach an agreement within 120 days of the  
25 transportation network company beginning operation of a digital  
26 network in the state of Washington.

27 (ii) If the driver resource center and transportation network  
28 company cannot reach an agreement, then they are required to submit  
29 issues of dispute before a jointly agreed-upon mediator.

30 (iii) After mediation lasting no more than two months has been  
31 exhausted and no resolution has been reached, then the parties will  
32 proceed to binding arbitration before a panel of arbitrators  
33 consisting of one arbitrator selected by the driver resource center,  
34 one arbitrator selected by the transportation network company, and a  
35 third arbitrator selected by the other two. If the two selected  
36 arbitrators cannot agree to the third arbitrator within 10 days, then  
37 the third arbitrator shall be determined from a list of seven  
38 arbitrators with experience in labor disputes or interest arbitration  
39 designated by the American arbitration association. A coin toss shall  
40 determine which side strikes the first name. Thereafter the other

1 side shall strike a name. The process will continue until only one  
2 name remains, who shall be the third arbitrator. Alternatively, the  
3 driver resource center and the transportation network company may  
4 agree to a single arbitrator.

5 (iv) The arbitrators must submit their decision, based on  
6 majority rule, within 60 days of the panel or arbitrator being  
7 chosen.

8 (v) The decision of the majority of arbitrators is final and  
9 binding and will then be submitted to the director of the department  
10 for final approval.

11 (c) In reviewing any agreement between a transportation network  
12 company and the driver resource center, under (a) of this subsection,  
13 the department shall review the agreement to ensure that its content  
14 is consistent with this subsection and the public policy goals set  
15 forth in this subsection. The department shall consider in its review  
16 both qualitative and quantitative effects of the agreement and how  
17 the agreement comports with the state policies set forth in this  
18 section. In conducting a review, the record shall not be limited to  
19 the submissions of the parties nor to the terms of the proposed  
20 agreement and the department shall have the right to conduct public  
21 hearings and request additional information from the parties,  
22 provided that such information: (i) Is relevant for determining  
23 whether the agreement complies with this subsection; and (ii) does  
24 not contain either parties' confidential, proprietary, or privileged  
25 information, or any individual's personal identifying information  
26 from the parties. The department may approve or reject a proposed  
27 agreement, and may require the parties to submit a revised proposal  
28 on all or particular parts of the proposed agreement. If the  
29 department rejects an agreement, it shall set forth its reasoning in  
30 writing and shall suggest ways the parties may remedy the failures.  
31 Absent good cause, the department shall issue a written determination  
32 regarding its approval or rejection within 60 days of submission of  
33 the agreement.

34 (d) (i) For any account deactivation, the transportation network  
35 company shall provide notification to the driver, at the time of  
36 deactivation, that the driver may have the right to representation by  
37 the driver resource center to appeal the account deactivation.

38 (ii) A transportation network company must provide any driver  
39 whose account is subject to an account deactivation between June 9,  
40 2022, and the effective date of the agreement the contact information



1 of the driver resource center and notification that the driver may  
2 have the right to appeal the account deactivation with representation  
3 by the driver resource center.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 49.46  
5 RCW to read as follows:

6 (1) Beginning January 1, 2023, a transportation network company  
7 must provide to each driver operating on its driver platform  
8 compensation for earned paid sick time as required by this section  
9 and subject to the provisions of this section. A driver shall accrue  
10 one hour of earned paid sick time for every 40 hours of passenger  
11 platform time worked.

12 (2) A driver is entitled to use accrued earned paid sick time  
13 upon recording 90 hours of passenger platform time on the  
14 transportation network company's driver platform.

15 (3) For each hour of earned paid sick time used, a driver shall  
16 be paid the driver's average hourly compensation.

17 (4) A transportation network company shall establish an  
18 accessible system for drivers to request and use earned paid sick  
19 time. The system must be available to drivers via smartphone  
20 application and online web portal.

21 (5) A driver may carry over up to 40 hours of unused earned paid  
22 sick time to the next calendar year. If a driver carries over unused  
23 earned paid sick time to the following year, accrual of earned paid  
24 sick time in the subsequent year must be in addition to the hours  
25 accrued in the previous year and carried over.

26 (6) A driver is entitled to use accrued earned paid sick time if  
27 the driver has used the transportation network company's platform as  
28 a driver within 90 calendar days preceding the driver's request to  
29 use earned paid sick time.

30 (7) A driver is entitled to use earned paid sick time for the  
31 following reasons:

32 (a) An absence resulting from the driver's mental or physical  
33 illness, injury, or health condition; to accommodate the driver's  
34 need for medical diagnosis, care, or treatment of a mental or  
35 physical illness, injury, or health condition; or an employee's need  
36 for preventive medical care;

37 (b) To allow the driver to provide care for a family member with  
38 a mental or physical illness, injury, or health condition; care of a  
39 family member who needs medical diagnosis, care, or treatment of a

1 mental or physical illness, injury, or health condition; or care for  
2 a family member who needs preventive medical care;

3 (c) When the driver's child's school or place of care has been  
4 closed by order of a public official for any health-related reason or  
5 has been closed after the declaration of an emergency by a local or  
6 state government or agency, or by the federal government;

7 (d) For absences for which an employee would be entitled for  
8 leave under RCW 49.76.030; and

9 (e) During a deactivation or other status that prevents the  
10 driver from performing network services on the transportation network  
11 company's platform, unless the deactivation or status is due to a  
12 verified allegation of sexual assault or physical assault perpetrated  
13 by the driver.

14 (8) If a driver does not record any passenger platform time in a  
15 transportation network company's driver platform for 365 or more  
16 consecutive days, any unused earned paid sick time accrued up to that  
17 point with that transportation network company is no longer valid or  
18 recognized.

19 (9) Drivers may use accrued days of earned paid sick time in  
20 increments of a minimum of one or more hours. Drivers are entitled to  
21 request one or more hours of earned paid sick time for immediate use,  
22 including consecutive days of use. Drivers are not entitled to use  
23 more than eight hours of earned paid sick time within a single  
24 calendar day.

25 (10) A transportation network company shall compensate a driver  
26 for requested hours or days of earned paid sick time no later than 14  
27 calendar days or the next regularly scheduled date of compensation  
28 following the requested hours or days of earned paid sick time.

29 (11) A transportation network company shall not request or  
30 require reasonable verification of a driver's qualifying illness  
31 except as would be permitted to be requested of an employee under RCW  
32 49.46.210(7). If a transportation network company requires  
33 verification pursuant to this subsection, the transportation network  
34 company must compensate the driver for the requested hours or days of  
35 earned paid sick time no later than the driver's next regularly  
36 scheduled date of compensation after satisfactory verification is  
37 provided.

38 (12) If a driver accepts an offer of prearranged services for  
39 compensation from a transportation network company during the one-  
40 hour period or periods for which the driver requested earned paid

1 sick time, a transportation network company may determine that the  
2 driver did not use earned paid sick time for an authorized purpose.

3 (13) A transportation network company shall provide each driver  
4 with:

5 (a) Written notification of the current rate of average hourly  
6 compensation while a passenger is in the vehicle during the most  
7 recent calendar month for use of earned paid sick time;

8 (b) An updated amount of accrued earned paid sick time since the  
9 last notification;

10 (c) Reduced earned paid sick time since the last notification;

11 (d) Any unused earned paid sick time available for use; and

12 (e) Any amount that the transportation network company may  
13 subtract from the driver's compensation for earned paid sick time.  
14 The transportation network company shall provide this information to  
15 the driver no less than monthly. The transportation network company  
16 may choose a reasonable system for providing this notification  
17 including, but not limited to: A pay stub; a weekly summary of  
18 compensation information; or an online system where drivers can  
19 access their own earned paid sick time information. A transportation  
20 network company is not required to provide this information to a  
21 driver if the driver has not worked any days since the last  
22 notification.

23 (14) The definitions in this subsection apply throughout this  
24 section:

25 (a) "Average hourly compensation" means a driver's compensation  
26 during passenger platform time from, or facilitated by, the  
27 transportation network company, during the 365 days immediately prior  
28 to the day that paid sick time is used, divided by the total hours of  
29 passenger platform time worked by the driver on that transportation  
30 network company's driver platform during that period. "Average hourly  
31 compensation" does not include tips.

32 (b) "Earned paid sick time" is the time provided by a  
33 transportation network company to a driver as calculated under this  
34 subsection. For each hour of earned paid sick time used by a driver,  
35 the transportation network company shall compensate the driver at a  
36 rate equal to the driver's average hourly compensation.

37 NEW SECTION. **Sec. 14.** A new section is added to chapter 49.46  
38 RCW to read as follows:

1 (1) A transportation network company must provide to each driver  
2 operating on its driver platform compensation for earned vacation  
3 time as required by this section and subject to the provisions of  
4 this section. A driver shall accrue 2.3 hours of earned paid vacation  
5 time for every 40 hours of passenger platform time worked.

6 (2) A driver is entitled to use accrued earned paid vacation time  
7 upon recording 90 hours of passenger platform time on the  
8 transportation network company's driver platform.

9 (3) For each hour of earned paid vacation time used, a driver  
10 shall be paid the driver's average hourly compensation.

11 (4) A transportation network company shall establish an  
12 accessible system for drivers to request and use earned paid vacation  
13 time. The system must be available to drivers via smartphone  
14 application and online web portal.

15 (5) A driver may carry over up to 40 hours of unused earned paid  
16 vacation time to the next calendar year. If a driver carries over  
17 unused earned paid vacation time to the following year, accrual of  
18 earned paid vacation time in the subsequent year must be in addition  
19 to the hours accrued in the previous year and carried over.

20 (6) A driver is entitled to use accrued earned paid vacation time  
21 if the driver has used the transportation network company's platform  
22 as a driver within 90 calendar days preceding the driver's request to  
23 use earned paid vacation time.

24 (7) A driver is entitled to use earned paid vacation time during  
25 a deactivation or other status that prevents the driver from  
26 performing network services on the transportation network company's  
27 platform, unless the deactivation or status is due to a verified  
28 allegation of sexual assault or physical assault perpetrated by the  
29 driver.

30 (8) If a driver does not record any passenger platform time in a  
31 transportation network company's driver platform for 365 or more  
32 consecutive days, any unused earned paid vacation time accrued up to  
33 that point with that transportation network company is no longer  
34 valid or recognized.

35 (9) Drivers may use accrued days of earned paid vacation time in  
36 increments of a minimum of one or more hours. Drivers are entitled to  
37 request one or more hours of earned paid vacation time for immediate  
38 use, including consecutive days of use. Drivers are not entitled to  
39 use more than eight hours of earned paid vacation time within a  
40 single calendar day.

1 (10) A transportation network company shall compensate a driver  
2 for requested hours or days of earned paid vacation time no later  
3 than 14 calendar days or the next regularly scheduled date of  
4 compensation following the requested hours or days of earned paid  
5 vacation time.

6 (11) A transportation network company shall provide each driver  
7 with:

8 (a) Written notification of the current rate of average hourly  
9 compensation while a passenger is in the vehicle during the most  
10 recent calendar month for use of earned paid vacation time;

11 (b) An updated amount of accrued earned paid vacation time since  
12 the last notification;

13 (c) Reduced earned paid vacation time since the last  
14 notification;

15 (d) Any unused earned paid vacation time available for use; and

16 (e) Any amount that the transportation network company may  
17 subtract from the driver's compensation for earned paid vacation  
18 time. The transportation network company shall provide this  
19 information to the driver no less than monthly. The transportation  
20 network company may choose a reasonable system for providing this  
21 notification including, but not limited to: A pay stub; a weekly  
22 summary of compensation information; or an online system where  
23 drivers can access their own earned paid vacation time information. A  
24 transportation network company is not required to provide this  
25 information to a driver if the driver has not worked any days since  
26 the last notification.

27 (12) The definitions in this subsection apply throughout this  
28 section:

29 (a) "Average hourly compensation" means a driver's compensation  
30 during passenger platform time from, or facilitated by, the  
31 transportation network company, during the 365 days immediately prior  
32 to the day that paid vacation time is used, divided by the total  
33 hours of passenger platform time worked by the driver on that  
34 transportation network company's driver platform during that period.  
35 "Average hourly compensation" does not include tips.

36 (b) "Earned paid vacation time" is the time provided by a  
37 transportation network company to a driver as calculated under this  
38 subsection. For each hour of earned paid vacation time used by a  
39 driver, the transportation network company shall compensate the  
40 driver at a rate equal to the driver's average hourly compensation.

1        NEW SECTION.    **Sec. 15.**    A new section is added to chapter 49.46  
2    RCW to read as follows:

3        (1) A transportation network company may not adopt or enforce any  
4    policy that counts the use of earned paid sick time required under  
5    section 13 of this act or earned vacation leave under section 14 of  
6    this act as an absence that may lead to or result in any action that  
7    adversely affects the driver's use of the transportation network.

8        (2) A transportation network company may not take any action  
9    against a driver that adversely affects the driver's use of the  
10   transportation network due to the driver's exercise of any rights  
11   under this chapter including the use of earned paid sick time under  
12   section 13 of this act or earned vacation leave under section 14 of  
13   this act.

14       NEW SECTION.    **Sec. 16.**    A new section is added to chapter 49.46  
15    RCW to read as follows:

16       (1) If the director determines that a transportation network  
17    company has violated this act, the department may issue a stop work  
18    order to cease all business operations at every site where the  
19    violation has occurred.

20       (2) Transportation network companies must pay drivers normal  
21    hourly compensation for all hours they would have been regularly  
22    scheduled to work during the stop work period. This requirement is a  
23    wage payment requirement under RCW 49.48.082.

24       (3) A stop work order issued under this section remains in effect  
25    until the director issues an order releasing the stop work order upon  
26    finding that the transportation network company has paid any amounts  
27    owed to the drivers, including interest, and any penalties due.

28       (4) As a condition for release from a stop work order, the  
29    director may require the transportation network company to file with  
30    the department periodic reports for a probationary period that  
31    demonstrate the transportation network company's continued compliance  
32    with the provisions of this act. Any probationary period may not  
33    exceed two years.

34       (5) (a) The director may assess a civil penalty of not more than  
35    \$5,000 per day against a transportation network company for each day  
36    that the transportation network company conducts business operations  
37    that violate the stop work order.

1 (b) The department may adopt by rule penalty amounts under this  
2 subsection that vary by the size of the transportation network  
3 company.

4 (c) On September 30, 2028, and on each following September 30th,  
5 the department shall calculate adjusted penalties payable pursuant to  
6 this section by increasing the current year's penalties by the rate  
7 of inflation. The penalties must be calculated to the nearest cent  
8 using the consumer price index for urban wage earners and clerical  
9 workers, CPI-W, or a successor index, for the 12 months prior to each  
10 September 1st as calculated by the United States department of labor.  
11 The adjusted penalties calculated under this subsection (5)(c) take  
12 effect on the following January 1st.

13 (6) A transportation network company may contest a stop work  
14 order within 72 hours of the issuance of the stop work order by  
15 filing a petition for judicial review to superior court. Upon the  
16 filing of any such petition, the superior courts of the state of  
17 Washington have jurisdiction to issue a temporary stay of the stop  
18 work order pending further agency action. The court may not grant a  
19 temporary stay unless the transportation network company meets its  
20 burden to show such a stay is appropriate under RCW 34.05.550.

21 NEW SECTION. **Sec. 17.** A new section is added to chapter 49.46  
22 RCW to read as follows:

23 The department may adopt rules to implement this chapter.

24 NEW SECTION. **Sec. 18.** This act takes effect January 1, 2026.

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