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HOUSE BILL 1951

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State of Washington

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**By** Representatives Thomas, Reed, Street, Obras, Scott, Taylor, Morgan, Entenman, Fosse, Parshley, Hill, Bronoske, Cortes, Peterson, Bernbaum, Ramel, Simmons, Pollet, and Macri

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1 AN ACT Relating to regulation of transportation network companies  
2 during large-scale events; and amending RCW 46.72B.050 and  
3 46.72B.190.

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

5 **Sec. 1.** RCW 46.72B.050 and 2022 c 281 s 19 are each amended to  
6 read as follows:

7 (1) Before a passenger enters a transportation network company  
8 vehicle, the transportation network company must provide, on behalf  
9 of the driver, either the fare for the prearranged ride or the option  
10 to receive an estimated fare for the prearranged ride.

11 (2) During the first seven days of a state of emergency, as  
12 declared by the governor or the president of the United States, a  
13 transportation network company may not charge a fare for  
14 transportation network company services provided to any passenger  
15 that exceeds two and one-half times the fare that would otherwise be  
16 applicable for the prearranged ride.

17 (3) During a large-scale event, a transportation network company  
18 may not charge a fare for a prearranged ride provided to any  
19 passenger that exceeds 120 percent of the driver's pay for the  
20 prearranged ride.

1 (4) A violation of this section affects the public interest and  
2 constitutes an unlawful and unfair practice under chapter 19.86 RCW.

3 (5) For the purposes of this section, the following definitions  
4 apply:

5 (a) (i) "Large-scale event" means:

6 (A) A ticketed or preregistered assembly of 10,000 or more  
7 individuals at an outdoor venue that has defined entrances and exits;  
8 or

9 (B) A ticketed or preregistered assembly of 1,000 or more  
10 individuals at an indoor venue that has defined entrances or exits.

11 (ii) Event staff and volunteers are not included in the attendee  
12 count.

13 (iii) A "large-scale event" does not include any assembly  
14 operated, managed, conducted, controlled, or supervised by a public  
15 or private charter K-12 educational organization or a religious or  
16 faith-based organization.

17 (b) "Driver's pay" means the compensation a transportation  
18 network company pays a driver for a prearranged ride. Driver's pay  
19 excludes pass-through charges such as driver-paid tolls and tips paid  
20 by passengers.

21 **Sec. 2.** RCW 46.72B.190 and 2022 c 281 s 32 are each amended to  
22 read as follows:

23 (1) Except as provided in subsections (2) (~~and~~), (3), and (6)  
24 of this section, as of June 9, 2022, the state preempts the field of  
25 regulating transportation network companies and drivers. No county,  
26 city, town, or other municipal corporation may regulate  
27 transportation network companies or drivers, or impose any tax, fee,  
28 or other charge, on a transportation network company or driver.

29 (2) (a) Except as provided in (b) and (c) of this subsection, a  
30 local ordinance or regulation, in a city with a population of more  
31 than 600,000 or a county with a population of more than 2,000,000,  
32 existing on or before January 1, 2022, that imposes a tax, fee, or  
33 other charge on a transportation network company or driver, remains  
34 in effect at the rate that exists on or before January 1, 2022. The  
35 city or county may continue to collect that tax, fee, or other  
36 charge, but may not increase the amount of that tax, fee, or other  
37 charge, and may not impose any higher or new taxes, fees, or other  
38 charges. This subsection (2) (a) applies retroactively and preempts  
39 any increase in the amount of an existing tax, fee, or other charge,

1 or the imposition of any higher or new taxes, fees, or other charges,  
2 which occurs between January 2, 2022, and June 9, 2022.

3 (b) Beginning on January 1, 2023, any local ordinance or  
4 regulation, in a city or county described in (a) of this subsection,  
5 existing on or before June 9, 2022, that imposed a per trip tax, fee,  
6 or other charge for which, at the time the ordinance became  
7 effective, the proceeds were to be used in part to fund a driver  
8 conflict resolution center, shall be reduced by \$0.15. The city or  
9 county may continue to collect that tax, fee, or other charge, but  
10 only at the reduced rate and may not increase the amount of that tax,  
11 fee, or other charge, and may not impose any higher or new taxes,  
12 fees, or other charges.

13 (c) Any per ride fee imposed by a local ordinance or regulation  
14 described in (a) of this subsection, the proceeds of which are used  
15 to offset expenses of enforcing the ordinance or regulation, may be  
16 adjusted under the following provisions:

17 (i) The city or county demonstrates to the satisfaction of the  
18 department that the revenues from the existing per ride fee amount  
19 are insufficient to offset the city's or county's cost from  
20 enforcement and regulation;

21 (ii) The total amount expected to be collected under the  
22 increased amount will not exceed the city or county's total expected  
23 costs; and

24 (iii) The department has not authorized an increase in the per  
25 ride fee in the last two fiscal years.

26 (3)(a) A local ordinance or regulation in a city with a  
27 population of more than six hundred thousand or a county with a  
28 population of more than two million, and that existed on or before  
29 January 1, 2022, that defined and regulated licensing for  
30 transportation network companies and permits for drivers, or the  
31 requirements for and processing of applications, certifications,  
32 examinations, and background checks for drivers and personal  
33 vehicles, remains in effect as the requirements exist on June 9,  
34 2022. The county or city may continue to enforce the ordinance or  
35 regulation but may not alter, amend, or implement changes to the  
36 ordinance or regulation, or requirements under it, after January 1,  
37 2022, except if such alteration, amendment, or implementation  
38 conforms with the requirements of this chapter. This subsection shall  
39 apply retroactively to any alteration, amendment, or implementation  
40 which occurs between March 10, 2022, and June 9, 2022.

1 (b) Notwithstanding subsection (1) of this section, a local  
2 ordinance or regulation in a city with a population of more than six  
3 hundred thousand or a county with a population of more than two  
4 million, and that existed before January 1, 2022, that is related to  
5 requirements covered by RCW 49.46.300, 49.46.350, 51.16.250, and  
6 51.04.190, and sections 6, 8 through 10, and 12, chapter 281, Laws of  
7 2022 are preempted as of January 1, 2023. The city may continue to  
8 enforce the local ordinance or regulation between June 9, 2022, and  
9 January 1, 2023, but may not alter, amend, or implement changes to  
10 the ordinance or regulation, or requirements under it, after January  
11 1, 2022, except if such alteration, or amendment, or implementation  
12 conforms with the requirements of chapter 281, Laws of 2022. This  
13 subsection shall apply retroactively to any alteration, amendment, or  
14 implementation which occurs between March 10, 2022, and June 9, 2022.

15 (4) Nothing in this chapter shall be interpreted to prevent an  
16 airport operator, as defined in RCW 14.08.015, from requiring a  
17 transportation network company to enter into a contract or agreement,  
18 consistent with the provisions of RCW 14.08.120, governing  
19 requirements of the transportation network company on airport  
20 property including but not limited to the fees and operational  
21 requirements. An airport operator may not impose any requirements  
22 through a contract authorized by this section that relate to  
23 requirements covered by RCW 49.46.300, 49.46.350, 51.16.250,  
24 51.04.190, 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and  
25 51.16.060.

26 (5) Other than taxes, fees, or other charges imposed explicitly  
27 or exclusively on a transportation network company or driver, this  
28 section does not preempt any generally applicable taxes, fees, or  
29 other charges, such as:

- 30 (a) Business tax;
- 31 (b) Sales and use tax;
- 32 (c) Excise tax; or
- 33 (d) Property tax.

34 (6) During a large special event, a county, city, town, and/or  
35 municipal corporation where the large special event will be located  
36 may regulate transportation network companies using geofencing to  
37 create designated drop-off and pick-up zones.

38 (7) For purposes of this section, "large special event" means a  
39 special event occurring in Washington state which the United States

1 department of homeland security has assessed at rating levels one  
2 through five.

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