

**WAC 296-17-35205 Special reporting for taxi, for-hire, limousine drivers or entities; and transportation network companies.** (1) **Non-mandatory coverage.** The following individuals are excluded from mandatory coverage, but may elect coverage as authorized under RCW 51.32.030:

(a) For-hire vehicle operators as defined under chapter 46.72 RCW who own the for-hire vehicle or lease it from others;

(b) Limousine drivers as defined under chapter 46.72A RCW who own the limousine or lease it from others; and

(c) Taxicab operators, as defined under chapter 81.72 RCW, who own the taxicab or lease it from others.

(2) **Mandatory coverage.**

(a) Taxi, for-hire, limousine, and cabulance entities with employees must provide coverage for their workers.

(b) Transportation network companies (TNC) as defined in Title 49 RCW are required to report and pay premium to cover their drivers for the time the driver is in dispatch platform time or passenger platform time on the digital application. Drivers are only covered for a work-place injury or illness during these qualifying times.

(3) **Quarterly reporting.**

(a) **Taxi drivers and entities; for-hire drivers and entities:**

(i) An exempt driver who has elected coverage, may report exposure under either subclassification 1401-01 (480 hours per quarter per driver) or 1401-03 (actual hours worked), but must report all exposure for the quarter under only one subclassification.

(ii) An entity reporting mandatorily covered workers, may choose to report all driver exposure under subclassifications 1401-01 (480 hours per quarter per driver), 1401-02 (960 hours per quarter per vehicle), or 1401-03 (actual hours worked), but must report all driver exposure for a quarter under only one subclassification.

**Reporting method options:**

(A) Flat rate by driver - The rate is based on 480 hours per driver each quarter (classification 1401-01);

(B) Flat rate by vehicle - The rate is based on 960 hours per vehicle each quarter (classification 1401-02);

(C) Actual hours - The rate is based on actual hours worked (classification 1401-03).

**Special note:** If you report by driver or by actual hours worked, you must maintain verifiable records, such as lease agreements or payroll records.

(b) **Limousine drivers and entities; and cabulance drivers and entities.** For exempt drivers who elect coverage and for entities paying for coverage for mandatorily covered workers, when reporting an entire quarter, hours must be reported in one of the following methods:

(i) Actual hours worked; or

(ii) Four hundred eighty hours per quarter.

**Special note:** Detailed records must be kept if reporting actual hours worked.

(c) **Transportation network companies (TNC).**

TNCs must report quarterly the actual hours of each TNC driver for these times, as defined in chapter 49.46 RCW and this rule:

(i) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simulta-

neously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(ii) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform. For the purposes of reporting and coverage, a driver accepts a trip request and dispatch platform time begins when the driver indicates through the driver platform that they are starting travel to a passenger pick-up location.

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

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

***Special notes:***

- TNCs must keep detailed records of each trip including; driver names, dispatch platform start and end times, and passenger platform start and end times.

- The department may request TNCs to provide supplemental quarterly reports of the total number of hours each driver was in dispatch and platform time for the quarter to ensure accurate reporting.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 23-05-075, § 296-17-35205, filed 2/14/23, effective 4/1/23; WSR 15-19-081, § 296-17-35205, filed 9/15/15, effective 10/16/15.]