

**RCW 46.72B.090 Driver requirements.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3) (a) Subsection (2) (a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2) (a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in RCW 49.46.300(15), that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2) (a) of this section.

(c) For purposes of subsection (2) (a) of this section[,], multiple moving violations shall be treated by the transportation network

company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in RCW 49.46.300(15), that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform. [2022 c 281 § 23.]