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2076 AMH LAWS TANG 104

By Representative Berry

HB 2076 - H COMM AMD

By Committee on Labor & Workplace Standards

1 On page 31, after line 10, insert the following:

2 "NEW SECTION. Sec. 31. (1) Except as provided in subsections (2)
3 and (3) of this section, the state preempts the field of regulating
4 transportation network companies and drivers. No county, city, town,
5 or other municipal corporation may regulate transportation network
6 companies or drivers, or impose any tax, fee, or other charge, either
7 direct or indirect, on a transportation network company or driver.

8 (2)(a) Except as provided in (b) of this subsection, a local
9 ordinance or regulation existing on or before the effective date of
10 this section that imposes a tax, fee, or surcharge on a transportation
11 network company or driver remains in effect at the rate that exists on
12 or before the effective date of this section. The county, city, town,
13 or other municipal corporation may continue to collect that tax, fee,
14 or surcharge, but may not increase the amount of that tax, fee, or
15 surcharge, and may not impose any higher or new taxes, fees, or
16 surcharges.

17 (b) Notwithstanding (a) of this subsection, any local ordinance or
18 regulation existing on or before the effective date of this section
19 that imposed a per trip tax, fee, or surcharge for which, at the time
20 the ordinance became effective, the proceeds were to be used in part
21 to fund a driver conflict resolution center, shall be reduced by
22 \$0.15. The county, city, town, or other municipal corporation may
23 continue to collect that tax, fee, or surcharge, but only at the
24 reduced rate and may not increase the amount of that tax, fee, or
25 surcharge, and may not impose any higher or new taxes, fees, or
26 surcharges.

27

1 (3)(a) A local ordinance or regulation existing on or before the
2 effective date of this section that regulated licensing for
3 transportation network companies and permits for drivers, or the
4 requirements for and processing of applications, certifications,
5 examinations, and background checks for drivers and personal vehicles,
6 remains in effect as the requirements exist on the effective date of
7 this section. The county, city, town, or other municipality may
8 continue to enforce any ordinance or regulation but may not alter or
9 amend the requirements, except if such alteration or amendment
10 conforms with the requirements of sections 11 through 30 of this act.

11 (b) A transportation network company with an agreement with the
12 driver resource center that is approved by the department is deemed to
13 satisfy any and all obligations under any local ordinance or
14 regulation pertaining to requirements covered by section 1 of this
15 act. So long as the agreement is in effect, local ordinances or
16 regulations that, under (a) of this subsection, are not preempted and
17 relate to wages and working conditions of drivers do not apply and may
18 not be enforced against the transportation network company.

19 (c) Nothing in (a) of this subsection is intended to create any
20 exception to the field preemption established by subsection (1) of
21 this section for any local ordinance or regulation related to
22 requirements covered by sections 1 and 3 thorough 10 of this act.
23 All such ordinances or regulations are preempted and may not be
24 enforced by any county, city, town, or other municipal corporation.

25 (4) Nothing in this section shall be interpreted to prevent an
26 airport operator, as defined in RCW 14.08.015, from requiring a
27 transportation network company to enter into a contract or agreement,
28 consistent with the provisions of RCW 14.08.120, governing
29 requirements of the transportation network company on airport property
30 including but not limited to the fees and operational requirements."

31
32 Renumber the remaining sections consecutively and correct any
33 internal references accordingly.

1 On page 37, line 6, after "through" strike "30" and insert "31"
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EFFECT:

Provides that the state preempts the field of regulating transportation network companies (TNCs) and drivers and no local government may impose any tax, fee, or other charge on TNCs or drivers, with the following exceptions:

- A local ordinance, existing on or before the effective date of the bill, that imposes a tax, fee, or surcharge remains in effect at the rate as it exists on the effective date of the bill. The local government may continue to collect that amount but may not increase it or impose a new tax, fee, or surcharge;
- A local ordinance, existing on or before the effective date of the bill, that imposed a per trip tax, fee, or surcharge for the purposes of funding, in part, a driver conflict resolution center, must reduce that tax, fee, or surcharge by \$0.15 cents. The local government may continue to collect that tax, fee, or surcharge at the reduced rate;
- A local ordinance, existing on or before the effective date of the bill, that regulated licensing and permitting of TNCs and drivers, or the requirements for and processing of applications, certifications, examinations, and background checks, remain in effect as those requirements exist on the effective date of the bill. Any amendments to those local ordinances must be in conformance with the statewide regulatory standards established in the bill.
- A TNC with a Department-approved agreement with a Driver Resource Center (DRC) is deemed to satisfy all obligations under any local ordinance related to compensation and deactivation requirements established in the bill. Local ordinances related to wages and working conditions that are not already preempted, do not apply to a TNC as long as the agreement is in effect.

Local ordinances related to requirements in the bill regarding compensation, paid sick leave, paid family medical leave, and workers compensation are preempted.

The preemption provisions do not prevent an airport operator from requiring TNCs from entering into contracts related to TNCs operating on airport property.

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