By Representative Berry

HB 2076 - H COMM AMD
By Committee on Labor & Workplace Standards

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

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

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

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

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

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

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

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

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