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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-1276.1/15

ATTY/TYPIST: BP:lel

BRIEF DESCRIPTION: Regulating providers of commercial transportation services.

1 AN ACT Relating to providers of commercial transportation  
2 services; amending RCW 18.235.020 and 51.12.183; reenacting and  
3 amending RCW 43.79A.040; and adding a new chapter to Title 46 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Department" means the department of licensing.

9 (2) "Personal vehicle" means a vehicle that is used by a  
10 transportation network company driver in connection with providing  
11 services for a transportation network company that meets the vehicle  
12 criteria in this chapter and that is authorized by the transportation  
13 network company.

14 (3) "Prearranged ride" means a route of travel between points  
15 chosen by the passenger and arranged with a driver through the use of  
16 a transportation network company's digital network or software  
17 application. The ride that begins when a driver accepts a requested  
18 ride through a digital network or software application, continues  
19 while the driver transports the passenger in a personal vehicle, and  
20 ends when the passenger departs from the personal vehicle.

1 (4) "Transportation network company" means a corporation,  
2 partnership, sole proprietorship, or other entity, operating in  
3 Washington, that uses a digital network or software application to  
4 connect passengers to drivers for the purpose of providing a  
5 prearranged ride. A transportation network company is neither a  
6 taxicab company, passenger charter carrier, or auto transportation  
7 company, as described in Title 81 RCW, nor a limousine or for hire  
8 vehicle, as defined in this title. A transportation network company  
9 is not deemed to own, control, operate, or manage the personal  
10 vehicles used by transportation network company drivers. A  
11 transportation network company does not include a political  
12 subdivision or other entity exempt from federal income tax under 26  
13 U.S.C. Sec. 115 of the federal internal revenue code.

14 (5) "Transportation network company driver" or "driver" means an  
15 individual who uses a personal vehicle to provide services for  
16 passengers matched through a transportation network company's digital  
17 network or software application. A driver need not be an employee of  
18 a transportation network company. A driver is not a for hire operator  
19 as that term is used in this title and Title 51 RCW.

20 (6) "Transportation network company passenger" or "passenger"  
21 means a passenger in a personal vehicle for whom transport is  
22 provided, including:

23 (a) An individual who uses a transportation network company's  
24 digital network or software application to connect with a driver to  
25 obtain services in the driver's vehicle for the individual and anyone  
26 in the individual's party; or

27 (b) Anyone for whom another individual uses a transportation  
28 network company's digital network or software application to connect  
29 with a driver to obtain services in the driver's vehicle.

30 (7) "Transportation network company services" or "services" means  
31 all times the driver is logged in to a transportation network  
32 company's digital network or software application or until the  
33 passenger has left the personal vehicle, whichever is later. The term  
34 does not include services provided either directly or under contract  
35 with a political subdivision or other entity exempt from federal  
36 income tax under 26 U.S.C. Sec. 115 of the federal internal revenue  
37 code.

38 NEW SECTION. **Sec. 2.** (1)(a) A transportation network company  
39 must comply with the requirements of this chapter, including those

1 relating to a driver's compliance with insurance, qualification,  
2 conduct, nondiscrimination, maximum work hours, criminal history, and  
3 driving record requirements. Any penalty for a violation of this  
4 chapter may be assessed only against the transportation network  
5 company, unless (i) the transportation network company could not have  
6 reasonably known of the violation or (ii) the transportation network  
7 company knew of the violation and expeditiously took action to  
8 address the violation to the satisfaction of the department.

9 (b) This chapter does not relieve a driver from complying with  
10 requirements applicable to private vehicles set out in this title,  
11 including those relating to drivers' licenses, vehicle registrations,  
12 minimum insurance, rules of the road, and the penalties associated  
13 with any violation. Unless otherwise required, a transportation  
14 network company driver is not required to register the vehicle the  
15 driver uses for transportation network company services as a  
16 commercial or for hire vehicle.

17 (2) Except as provided in rules adopted by the department  
18 pursuant to this chapter, chapter 18.235 RCW governs unlicensed  
19 practice, unprofessional conduct, the issuance and denial of permits,  
20 and the discipline of permittees under this chapter.

21 (3) A transportation network company must comply with the  
22 registered agent requirements of chapter 23B.05 RCW.

23 (4) Pursuant to rules adopted by the department, every  
24 transportation network company operating under this chapter must  
25 submit a quarterly report to the department, providing at a minimum  
26 the total number of drivers using its digital network or software  
27 application, the total number of prearranged rides, the total hours  
28 that drivers are logged in to its network, the total hours spent  
29 providing transportation network company services, and describing any  
30 accident in which a personal vehicle was involved while carrying a  
31 passenger.

32 (5) A transportation network company may not, with respect to  
33 drivers using its digital network or software application, or drivers  
34 using the digital network or software application of another  
35 transportation network company, require drivers to agree to a  
36 noncompetition agreement or prohibit a driver from using a personal  
37 vehicle to provide transportation network company services using the  
38 digital network or software application of another transportation  
39 network company. However, a transportation network company may

1 prohibit a driver's use of any brand or mark of the company in a way  
2 that is confusing to the public.

3 (6) Every transportation network company must, if achievable,  
4 make its digital network or software application accessible to  
5 persons with disabilities.

6 NEW SECTION. **Sec. 3.** (1)(a) Before being used to provide  
7 transportation network company services, every personal vehicle must  
8 be covered by a primary automobile insurance policy. Except as  
9 provided in subsection (2) of this section, a transportation network  
10 company must secure this policy for every personal vehicle used to  
11 provide transportation network company services. For purposes of this  
12 section, a "primary automobile insurance policy" is not a private  
13 passenger automobile insurance policy.

14 (b) The insurance policy required under this section must:

15 (i) Provide liability coverage, applicable during the period  
16 before a driver accepts a requested ride through a digital network or  
17 software application, in an amount no less than fifty thousand  
18 dollars per person, one hundred thousand dollars per accident, and  
19 thirty thousand dollars for damage to property, provide comprehensive  
20 and collision coverage, and provide underinsured motorist and  
21 personal injury protection coverage of fifty thousand dollars per  
22 person, one hundred thousand dollars per accident, and thirty  
23 thousand dollars for damage to property;

24 (ii) Provide liability coverage, applicable during the period  
25 after a driver accepts a requested ride through a digital network or  
26 software application, in an amount no less than one hundred thousand  
27 dollars per person, one million dollars per accident, and thirty  
28 thousand dollars for damage to property, provide comprehensive and  
29 collision coverage, and provide underinsured motorist and personal  
30 injury protection coverage of one hundred thousand dollars per  
31 person, one million dollars per accident, and thirty thousand dollars  
32 for damage to property; and

33 (iii) Provide coverage at all times the driver is logged in to a  
34 transportation network company's digital network or software  
35 application and at all times a passenger, as defined in this chapter,  
36 is in the vehicle as part of a prearranged ride.

37 (2)(a) As an alternative to the provisions of subsection (1) of  
38 this section, if the office of the insurance commissioner approves  
39 the offering of an insurance policy that recognizes that a person is

1 acting as a transportation network company driver and using a  
2 personal vehicle to provide transportation network company services,  
3 a driver may secure a primary automobile insurance policy covering a  
4 personal vehicle and providing the same coverage as required in  
5 subsection (1) of this section.

6 (b) If the primary automobile insurance policy maintained by a  
7 driver to meet the obligation of this section does not provide  
8 coverage for any reason, including that the policy lapsed or did not  
9 exist, the transportation network company must provide the coverage  
10 required under this section beginning with the first dollar of a  
11 claim.

12 (3) The insurer providing coverage under subsections (1) and (2)  
13 of this section is the only insurer having the duty to defend any  
14 liability claim from an accident occurring while transportation  
15 network company services are being provided.

16 (4) In addition to the requirements in subsections (1) and (2) of  
17 this section, before allowing a person to provide transportation  
18 network company services, a transportation network company must  
19 verify that the transportation network company driver is covered by a  
20 private passenger automobile insurance policy that meets the  
21 requirements of this section.

22 (5)(a) If a transportation network company maintains a primary  
23 automobile insurance policy to satisfy the obligations of this  
24 section, it must provide proof of the policy to the department.

25 (b) Alternatively, if a driver purchases a primary automobile  
26 insurance policy as allowed under subsection (2) of this section, the  
27 transportation network company must verify that the driver has done  
28 so. Additionally, the transportation network company must provide  
29 proof to the department of the insurance required under subsection  
30 (2)(b) of this section.

31 (c) Upon request from the department, drivers and transportation  
32 network companies must provide copies of the policies required under  
33 this section to the department.

34 (6) A primary automobile insurance policy required under  
35 subsection (1) or (2) of this section may be placed with an insurer  
36 licensed under Title 48 RCW to provide insurance in the state of  
37 Washington or as an eligible surplus line insurance policy as  
38 described in RCW 48.15.040.

39 (7) Nothing in this section shall be constructed to require a  
40 private passenger automobile insurance policy to provide primary or

1 excess coverage or a duty to defend for the period of time in which a  
2 driver is logged in to a transportation network company's digital  
3 network or software application.

4 (8) If more than one insurance policy provides valid and  
5 collectible coverage for a loss arising out of an occurrence  
6 involving a motor vehicle operated by a driver, the responsibility  
7 for the claim must be divided as follows:

8 (a) If the driver has been matched with a passenger and is  
9 traveling to pick up the passenger, or the driver is providing  
10 services to a passenger, the transportation network company that  
11 matched the driver and passenger must provide insurance coverage; or

12 (b) If the driver is logged in to more than one transportation  
13 network company digital network or software application but has not  
14 been matched with a passenger, the liability must be divided equally  
15 among all of the applicable insurance policies.

16 (9) In an accident or claims coverage investigation, a  
17 transportation network company or its insurer must cooperate with a  
18 private passenger automobile insurance policy insurer and other  
19 insurers that are involved in the claims coverage investigation to  
20 facilitate the exchange of information, including the provision of

21 (a) dates and times at which an accident occurred that involved a  
22 participating driver and (b) within ten business days after receiving  
23 a request, a copy of the company's electronic record showing the  
24 precise times that the participating driver logged on and off the  
25 transportation network company's digital network or software  
26 application on the day the accident or other loss occurred. The  
27 transportation network company or its insurer must retain all data,  
28 communications, or documents related to insurance coverage or  
29 accident details for a period of not less than the applicable  
30 statutes of limitation, plus two years from the date of an accident  
31 to which those records pertain.

32 (10) This section does not modify or abrogate any otherwise  
33 applicable insurance requirement set forth in Title 48 RCW.

34 (11) If a transportation network company's insurer makes a  
35 payment for a claim covered under comprehensive coverage or collision  
36 coverage, the transportation network company must, to the extent  
37 possible, direct the insurer to issue the payment directly to the  
38 business repairing the vehicle or jointly to the owner of the vehicle  
39 and the primary lienholder on the covered vehicle. The department may  
40 not assess any fines as a result of this subsection.

1 (12) After July 1, 2016, an insurance company regulated under  
2 Title 48 RCW may not deny an otherwise covered claim arising  
3 exclusively out of the personal use of the private passenger  
4 automobile solely on the basis that the insured, at other times, used  
5 the private passenger automobile covered by the policy to provide  
6 transportation network company services.

7 (13) A city, county, political subdivision, or special purpose  
8 district may not:

9 (a) Adopt a law, rule, or ordinance that is in conflict with this  
10 chapter;

11 (b) Require a transportation network company or driver to obtain  
12 any additional approval to provide services, such as a permit or  
13 license, before operating within the jurisdiction. However, this  
14 subsection (13)(b) does not apply to standard business licenses and  
15 the levying of business-related taxes at the local level; or

16 (c) Prohibit the provision of transportation network company  
17 services or the use of such services within the jurisdiction.

18 NEW SECTION. **Sec. 4.** (1) The following requirements apply to  
19 the provision of services:

20 (a) A driver may not provide services unless a transportation  
21 network company has matched the driver to a passenger through a  
22 digital network or software application. A driver may not solicit or  
23 accept the on-demand summoning of a ride.

24 (b) A transportation network company must make available to  
25 prospective passengers and drivers the method by which the  
26 transportation network company calculates fares or the applicable  
27 rates being charged and an option to receive an estimated fare.

28 (c) Upon completion of a prearranged ride, a transportation  
29 network company must transmit to the passenger an electronic receipt,  
30 either by electronic mail or by text message, which must document:

31 (i) The point of origin and destination of the passenger's trip;

32 (ii) The total duration and distance of the passenger's trip;

33 (iii) The total fare paid, including the base fare and any  
34 additional charges incurred or distance traveled or duration of the  
35 passenger's trip; and

36 (iv) The driver's first name and license plate number.

37 (d) Before permitting a person to act as a driver on its digital  
38 network or software application, a transportation network company

1 must confirm that the person is at least twenty-one years of age and  
2 possesses:

- 3 (i) A valid driver's license;
- 4 (ii) Proof of private passenger automobile insurance;
- 5 (iii) Proof that the vehicle is registered in Washington; and
- 6 (iv) Pursuant to rules adopted by the department, proof that the  
7 person has certified that he or she does not experience any condition  
8 that interferes with his or her ability to safely provide services  
9 pursuant to this chapter.

10 (e) A driver may not provide transportation network company  
11 services for more than twelve consecutive hours or more than twelve  
12 hours in any twenty-four hour period, except that a driver may finish  
13 a prearranged ride that began before either time restriction.

14 (f) A transportation network company must implement an  
15 intoxicating substance policy for drivers that disallows any amount  
16 of intoxication of the driver while providing services. The  
17 transportation network company must include on its web site and  
18 mobile device application software a notice concerning the  
19 transportation network company's intoxicating substance policy.

20 (g)(i) Prior to providing transportation network company  
21 services, a transportation network company must require every  
22 personal vehicle to undergo a uniform vehicle safety inspection,  
23 approved by the department, and performed by an approved mechanic who  
24 must certify in writing that the vehicle is mechanically sound and  
25 fit for driving. The approved mechanic must also certify in writing  
26 that the exterior markings required under this section are legible  
27 and properly displayed.

28 (ii) The safety inspection required under this subsection (1)(g)  
29 must be conducted annually while the personal vehicle is being used  
30 to provide transportation network company services.

31 (h) A personal vehicle must have at least four doors and be  
32 designed to carry no more than eight passengers, including the  
33 driver.

34 (i)(i) A transportation network company must make the following  
35 disclosures to a prospective driver in the prospective driver's terms  
36 of service:

37 WHILE OPERATING ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL  
38 NETWORK OR SOFTWARE APPLICATION, YOUR PRIVATE PASSENGER AUTOMOBILE  
39 INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST,

1 PERSONAL INJURY PROTECTION, COMPREHENSIVE OR COLLISION COVERAGE,  
2 DEPENDING ON THE TERMS OF THE POLICY.

3 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION  
4 NETWORK COMPANY SERVICES FOR OUR TRANSPORTATION NETWORK COMPANY HAS A  
5 LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE  
6 USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES THAT  
7 MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

8 (ii) The prospective driver must acknowledge the terms of service  
9 electronically or by signature.

10 (j) A transportation network company must make available to a  
11 passenger a customer support telephone number on its digital network,  
12 software application, or web site for passenger inquiries.

13 (k)(i) A transportation network company may not disclose to a  
14 third party any personally identifiable information concerning the  
15 user of the transportation network company's digital network or  
16 software application, unless:

17 (A) The transportation network company obtains the user's consent  
18 to disclose personally identifiable information;

19 (B) Disclosure is necessary to comply with a legal obligation; or

20 (C) Disclosure is necessary to protect or defend the terms and  
21 conditions for use of the service or to investigate violations of the  
22 terms and conditions.

23 (ii) The limitation on disclosure does not apply to the  
24 disclosure of aggregated user data.

25 (iii) The department may revoke a transportation network  
26 company's permit upon the department's finding that the company  
27 knowingly or negligently violated the passenger privacy provisions of  
28 this subsection (1)(k).

29 (2) Each transportation network company must require that each  
30 personal vehicle providing transportation network company services  
31 display a plainly visible exterior marking that identifies the  
32 personal vehicle as one providing such services.

33 (3) A transportation network company or a third party must retain  
34 inspection records for at least fourteen months after an inspection  
35 was conducted for each personal vehicle used by a driver.

36 (4)(a)(i) Before a person is permitted to act as a driver through  
37 use of a transportation network company's digital network or software  
38 application, the person must undergo a criminal history record check.

1 A driver must undergo a criminal history record check every five  
2 years while serving as a driver.

3 (ii) The criminal history record checks required under this  
4 section may be administered by the driver, who must provide a copy to  
5 the transportation network company, or the record checks may be  
6 administered by the transportation network company.

7 (b) A person who has been convicted of driving under the  
8 influence of drugs or alcohol in the previous five years before  
9 applying to become a driver may not serve as a driver.

10 (c)(i) If the criminal history record check reveals that the  
11 person has ever been convicted of the following felony offenses, the  
12 person may not serve as a driver:

13 (A) An offense involving fraud, as described in chapters 9.45 and  
14 9A.60 RCW;

15 (B) A sex offense, as described in chapters 9.68A and 9A.44 RCW;

16 (C) Burglary, trespass, or vehicle prowling, as described in  
17 chapter 9A.52 RCW;

18 (D) Theft, robbery, extortion, or possession of stolen property,  
19 as described in chapter 9A.56 RCW;

20 (E) A violent offense, as defined in RCW 9.94A.030.

21 (ii) A person who has been convicted of a comparable offense to  
22 the offenses listed in (c)(i) of this subsection in another state may  
23 not serve as a driver.

24 (iii) A transportation network company or a third party must  
25 retain the results of a criminal history record check for each driver  
26 that provides services for the transportation network company until  
27 five years after the criminal history record check was conducted, or  
28 until the acquisition of an updated background check, whichever comes  
29 earlier.

30 (5)(a) Before permitting an individual to act as a driver on its  
31 digital network or software application, a transportation network  
32 company must obtain and review the individual's driving record.

33 (b) An individual with the following violations may not serve as  
34 a driver:

35 (i) More than three moving violations within the three-year  
36 period preceding the individual's application to serve as a driver;  
37 or

38 (ii) A violation for reckless driving under RCW 46.61.500;  
39 vehicular homicide under RCW 46.61.520; vehicular assault under RCW  
40 46.61.522; negligent driving in the first or second degree under RCW

1 46.61.5249, 46.61.525, or 46.61.526; driving without a license under  
2 RCW 46.20.005; or driving with a revoked license under RCW 46.20.342  
3 or 46.20.345.

4 (c) A transportation network company or a third party must retain  
5 the driving record for each driver that provides services for the  
6 transportation network company for at least three years.

7 (6) If any person files a complaint with the department against a  
8 transportation network company or driver, the department may inspect  
9 the transportation network company's records as reasonably necessary  
10 to investigate and resolve the complaint.

11 (7) Vehicle safety inspections and criminal history record checks  
12 required under this section and retained by a transportation network  
13 company are not subject to inspection by the department, including as  
14 part of any quarterly report required under section 2(4) of this act,  
15 except pursuant to departmental audit.

16 (8)(a) Except for a trip whose destination is more than forty  
17 miles from where the passenger is picked up, a transportation network  
18 company and transportation network company drivers must provide  
19 services to the public in a nondiscriminatory manner, regardless of  
20 geographic location of the departure point or destination. A  
21 transportation network company or transportation network company  
22 driver may not refuse service or impose additional charges or  
23 conditions based on a passenger's race, religion, ethnicity, gender,  
24 sexual orientation, gender identity, or disability that could prevent  
25 customers from accessing transportation. A driver may not refuse to  
26 transport a passenger, unless:

27 (i) The passenger is acting in an unlawful, disorderly, or  
28 endangering manner; or

29 (ii) The passenger is unable to care for himself or herself and  
30 is not in the charge of a responsible companion.

31 (b) A driver must permit a service animal to accompany a  
32 passenger on a prearranged ride.

33 (c)(i) If a passenger with physical or mental disabilities  
34 requires the use of mobility equipment, a driver must store such  
35 equipment in the vehicle during a prearranged ride, if the vehicle is  
36 reasonably capable of doing so. If the driver is unable to store a  
37 passenger's mobility equipment in the driver's vehicle, the driver  
38 must refer the passenger to another driver or transportation service  
39 with a vehicle that is equipped to accommodate such equipment, and  
40 may not charge the passenger a cancellation fee.

1 (ii) If a passenger is traveling with a child who requires the  
2 use of a child restraint system under RCW 46.61.687, a driver must  
3 allow the passenger to temporarily install the restraint system in  
4 the personal vehicle, if the vehicle is reasonably capable of  
5 accepting it. If the child restraint system is unable to be  
6 temporarily installed in the vehicle, the driver must refer the  
7 passenger to another driver or transportation service with a vehicle  
8 that is equipped to accommodate such a system, and may not charge the  
9 passenger a cancellation fee.

10 (9) Within ten days of receiving a complaint about a driver's  
11 alleged violation of subsection (8) of this section, the department  
12 must report the complaint to the transportation network company for  
13 which the driver provides services.

14 (10) A driver must immediately report to the transportation  
15 network company any refusal to transport a passenger pursuant to  
16 subsection (8)(a) of this section, and the transportation network  
17 company must annually report all such refusals to the department in a  
18 form and manner determined by the department.

19 NEW SECTION. **Sec. 5.** (1) A transportation network company may  
20 not operate without first having obtained a permit from the  
21 department. The department must require this permit to be renewed  
22 annually.

23 (2) The department must issue a permit to each transportation  
24 network company that meets the requirements of this chapter and pays  
25 to the department the fees required under subsection (3) of this  
26 section.

27 (3)(a) A transportation network company must pay the following  
28 fee to the department at the time of its initial application for a  
29 permit:

30 (i) Until July 1, 2016, the fee is one hundred thousand dollars;  
31 and

32 (ii) After July 1, 2016, the fee is five thousand dollars.

33 (b) Upon the annual renewal of a permit issued pursuant to this  
34 section, a transportation network company must pay the following  
35 applicable renewal fee, depending on the number of drivers shown in  
36 the transportation network company's most recent quarterly report  
37 sent to the department pursuant to section 2(4) of this act:

38 (i) For transportation network companies with ten or fewer  
39 drivers, the annual renewal fee is five thousand dollars;

1 (ii) For transportation network companies with more than ten but  
2 fewer than one hundred drivers, the annual renewal fee is twenty  
3 thousand dollars;

4 (iii) For transportation network companies with more than one  
5 hundred but fewer than one thousand drivers, the annual renewal fee  
6 is fifty thousand dollars; and

7 (iv) For transportation network companies with more than one  
8 thousand drivers, the annual renewal fee is one hundred thousand  
9 dollars.

10 (4) The department must determine the form and manner of the  
11 application for a transportation network company permit.

12 (5) Consistent with section 2(1)(a) of this act, the department  
13 may cancel, revoke, or suspend any permit issued under this chapter  
14 on any of the following grounds:

15 (a) The violation of any of the provisions of this chapter;

16 (b) The violation of an order, decision, rule, or requirement  
17 established by the department under this chapter;

18 (c) Failure of the transportation network company to pay a fee  
19 imposed on the company within the time required under law; or

20 (d) Failure of the transportation network company to maintain  
21 insurance coverage, if required under this chapter.

22 (6) The department may deny an application under this chapter, or  
23 refuse to renew the permit of a transportation network company, based  
24 on a determination that the transportation network company has not  
25 satisfied a civil penalty arising out of an administrative or  
26 enforcement action brought by the department.

27 NEW SECTION. **Sec. 6.** The transportation network company account  
28 is created in the custody of the state treasurer. All moneys received  
29 by the department pursuant to this chapter, and any interest earned  
30 on investments in the account, must be deposited into the account.  
31 Expenditures from the account may be used by the department for any  
32 purpose related to the regulation of transportation network companies  
33 that is consistent with this chapter, including, at a minimum,  
34 disbursements to local governments to cover enforcement costs. Only  
35 the director or the director's designee may authorize expenditures  
36 from the account. The account is subject to allotment procedures  
37 under chapter 43.88 RCW, but an appropriation is not required for  
38 expenditures.

1        NEW SECTION.    **Sec. 7.**    (1) The department may adopt rules to  
2 implement this chapter including, but not limited to, rules  
3 concerning administration, fines and penalties, safety requirements,  
4 and the disbursement of funds for local enforcement as described in  
5 section 6 of this act.

6        (2) The department must adopt rules requiring a transportation  
7 network company to file with the department evidence of the  
8 transportation network company's insurance policies required under  
9 this chapter and proof of continued validity of these policies.

10       NEW SECTION.    **Sec. 8.**    All personally identifiable information  
11 collected under this chapter is exempt from disclosure under chapter  
12 42.56 RCW.

13       **Sec. 9.**    RCW 18.235.020 and 2013 c 322 s 29 are each amended to  
14 read as follows:

15        (1) This chapter applies only to the director and the boards and  
16 commissions having jurisdiction in relation to the businesses and  
17 professions licensed under the chapters specified in this section.  
18 This chapter does not apply to any business or profession not  
19 licensed under the chapters specified in this section.

20        (2)(a) The director has authority under this chapter in relation  
21 to the following businesses and professions:

22            (i) Auctioneers under chapter 18.11 RCW;

23            (ii) Bail bond agents and bail bond recovery agents under chapter  
24 18.185 RCW;

25            (iii) Camping resorts' operators and salespersons under chapter  
26 19.105 RCW;

27            (iv) Commercial telephone solicitors under chapter 19.158 RCW;

28            (v) Cosmetologists, barbers, manicurists, and estheticians under  
29 chapter 18.16 RCW;

30            (vi) Court reporters under chapter 18.145 RCW;

31            (vii) Driver training schools and instructors under chapter 46.82  
32 RCW;

33            (viii) Employment agencies under chapter 19.31 RCW;

34            (ix) For hire vehicle operators under chapter 46.72 RCW;

35            (x) Limousines under chapter 46.72A RCW;

36            (xi) Notaries public under chapter 42.44 RCW;

37            (xii) Private investigators under chapter 18.165 RCW;

1 (xiii) Professional boxing, martial arts, and wrestling under  
2 chapter 67.08 RCW;

3 (xiv) Real estate appraisers under chapter 18.140 RCW;

4 (xv) Real estate brokers and salespersons under chapters 18.85  
5 and 18.86 RCW;

6 (xvi) Scrap metal processors, scrap metal recyclers, and scrap  
7 metal suppliers under chapter 19.290 RCW;

8 (xvii) Security guards under chapter 18.170 RCW;

9 (xviii) Sellers of travel under chapter 19.138 RCW;

10 (xix) Timeshares and timeshare salespersons under chapter 64.36  
11 RCW;

12 (xx) Transportation network companies under chapter 46.--- RCW  
13 (the new chapter created in section 13 of this act);

14 (xxi) Whitewater river outfitters under chapter 79A.60 RCW;

15 ~~((xxi))~~ (xxii) Home inspectors under chapter 18.280 RCW;

16 ~~((xxii))~~ (xxiii) Body artists, body piercers, and tattoo  
17 artists, and body art, body piercing, and tattooing shops and  
18 businesses, under chapter 18.300 RCW; and

19 ~~((xxiii))~~ (xxiv) Appraisal management companies under chapter  
20 18.310 RCW.

21 (b) The boards and commissions having authority under this  
22 chapter are as follows:

23 (i) The state board for architects established in chapter 18.08  
24 RCW;

25 (ii) The Washington state collection agency board established in  
26 chapter 19.16 RCW;

27 (iii) The state board of registration for professional engineers  
28 and land surveyors established in chapter 18.43 RCW governing  
29 licenses issued under chapters 18.43 and 18.210 RCW;

30 (iv) The funeral and cemetery board established in chapter 18.39  
31 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

32 (v) The state board of licensure for landscape architects  
33 established in chapter 18.96 RCW; and

34 (vi) The state geologist licensing board established in chapter  
35 18.220 RCW.

36 (3) In addition to the authority to discipline license holders,  
37 the disciplinary authority may grant or deny licenses based on the  
38 conditions and criteria established in this chapter and the chapters  
39 specified in subsection (2) of this section. This chapter also  
40 governs any investigation, hearing, or proceeding relating to denial

1 of licensure or issuance of a license conditioned on the applicant's  
2 compliance with an order entered under RCW 18.235.110 by the  
3 disciplinary authority.

4 **Sec. 10.** RCW 51.12.183 and 2011 c 190 s 2 are each amended to  
5 read as follows:

6 (1) Any business that owns and operates a for hire vehicle  
7 licensed under chapter 46.72 RCW, a limousine under chapter 46.72A  
8 RCW, or a taxicab under chapter 81.72 RCW and the for hire operator  
9 or chauffeur of such vehicle is within the mandatory coverage of this  
10 title.

11 (2) Any business that as owner or agent leases a for hire vehicle  
12 licensed under chapter 46.72 RCW, a limousine under chapter 46.72A  
13 RCW, or a taxicab under chapter 81.72 RCW to a for hire operator or a  
14 chauffeur and the for hire operator or chauffeur of such vehicle is  
15 within the mandatory coverage of this title.

16 (3) For the purposes of this section, the following definitions  
17 apply unless the context clearly requires otherwise:

18 (a) "Chauffeur" has the same meaning as provided in RCW  
19 46.04.115; and

20 (b) "For hire operator" means a person who is operating a vehicle  
21 for the purpose of carrying persons for compensation.

22 (4) This section does not apply to transportation network  
23 companies or drivers providing transportation network company  
24 services.

25 **Sec. 11.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are  
26 each reenacted and amended to read as follows:

27 (1) Money in the treasurer's trust fund may be deposited,  
28 invested, and reinvested by the state treasurer in accordance with  
29 RCW 43.84.080 in the same manner and to the same extent as if the  
30 money were in the state treasury, and may be commingled with moneys  
31 in the state treasury for cash management and cash balance purposes.

32 (2) All income received from investment of the treasurer's trust  
33 fund must be set aside in an account in the treasury trust fund to be  
34 known as the investment income account.

35 (3) The investment income account may be utilized for the payment  
36 of purchased banking services on behalf of treasurer's trust funds  
37 including, but not limited to, depository, safekeeping, and  
38 disbursement functions for the state treasurer or affected state

1 agencies. The investment income account is subject in all respects to  
2 chapter 43.88 RCW, but no appropriation is required for payments to  
3 financial institutions. Payments must occur prior to distribution of  
4 earnings set forth in subsection (4) of this section.

5 (4)(a) Monthly, the state treasurer must distribute the earnings  
6 credited to the investment income account to the state general fund  
7 except under (b), (c), and (d) of this subsection.

8 (b) The following accounts and funds must receive their  
9 proportionate share of earnings based upon each account's or fund's  
10 average daily balance for the period: The Washington promise  
11 scholarship account, the Washington advanced college tuition payment  
12 program account, the accessible communities account, the community  
13 and technical college innovation account, the agricultural local  
14 fund, the American Indian scholarship endowment fund, the foster care  
15 scholarship endowment fund, the foster care endowed scholarship trust  
16 fund, the contract harvesting revolving account, the Washington state  
17 combined fund drive account, the commemorative works account, the  
18 county enhanced 911 excise tax account, the toll collection account,  
19 the developmental disabilities endowment trust fund, the energy  
20 account, the fair fund, the family leave insurance account, the food  
21 animal veterinarian conditional scholarship account, the fruit and  
22 vegetable inspection account, the future teachers conditional  
23 scholarship account, the game farm alternative account, the GET ready  
24 for math and science scholarship account, the Washington global  
25 health technologies and product development account, the grain  
26 inspection revolving fund, the industrial insurance rainy day fund,  
27 the juvenile accountability incentive account, the law enforcement  
28 officers' and firefighters' plan 2 expense fund, the local tourism  
29 promotion account, the multiagency permitting team account, the  
30 pilotage account, the produce railcar pool account, the regional  
31 transportation investment district account, the rural rehabilitation  
32 account, the stadium and exhibition center account, the youth  
33 athletic facility account, the self-insurance revolving fund, the  
34 children's trust fund, the Washington horse racing commission  
35 Washington bred owners' bonus fund and breeder awards account, the  
36 Washington horse racing commission class C purse fund account, the  
37 individual development account program account, the Washington horse  
38 racing commission operating account, the life sciences discovery  
39 fund, the Washington state heritage center account, the reduced  
40 cigarette ignition propensity account, the center for childhood

1 deafness and hearing loss account, the school for the blind account,  
2 the Millersylvania park trust fund, the public employees' and  
3 retirees' insurance reserve fund, the transportation network company  
4 account, and the radiation perpetual maintenance fund.

5 (c) The following accounts and funds must receive eighty percent  
6 of their proportionate share of earnings based upon each account's or  
7 fund's average daily balance for the period: The advanced right-of-  
8 way revolving fund, the advanced environmental mitigation revolving  
9 account, the federal narcotics asset forfeitures account, the high  
10 occupancy vehicle account, the local rail service assistance account,  
11 and the miscellaneous transportation programs account.

12 (d) Any state agency that has independent authority over accounts  
13 or funds not statutorily required to be held in the custody of the  
14 state treasurer that deposits funds into a fund or account in the  
15 custody of the state treasurer pursuant to an agreement with the  
16 office of the state treasurer shall receive its proportionate share  
17 of earnings based upon each account's or fund's average daily balance  
18 for the period.

19 (5) In conformance with Article II, section 37 of the state  
20 Constitution, no trust accounts or funds shall be allocated earnings  
21 without the specific affirmative directive of this section.

22 NEW SECTION. **Sec. 12.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 13.** Sections 1 through 8 of this act  
27 constitute a new chapter in Title 46 RCW.

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