



Seattle Office of Labor Standards

PROPOSED RULES FOR NOTICE AND COMMENT

SEATTLE OFFICE OF LABOR STANDARDS

Seattle Human Rights Rules (SHRR) Chapter 210

Rules for administering the TNC Driver Minimum Compensation Ordinance, Seattle Municipal Code 14.33

Background: In April, 2021, OLS released proposed administrative rules for the Transportation Network Company (TNC) Minimum Compensation Ordinance ([SMC 14.33](#)). The ordinance requires TNCs like Uber and Lyft provide a minimum per minute and per mile payment for each covered trip by a TNC driver. OLS received comments from the public during April and subsequently considered those comments. Based on those comments, OLS made limited adjustments to the rules. Accordingly OLS invites members of the public will to comment on the these limited changes until **June 9 at 5PM**.

Summary of Proposed Changes

The proposed changes appear on the following pages, signaled by strikethrough and underline. This document includes only the portions of the rules that OLS has updated and enough additional material to provide context for those changes. The original proposed Chapter can be viewed in its entirety on the OLS website by clicking [here](#).

SHRR 210-120 TNC Driver Minimum Compensation

Changed requirement that TNC provide rental car deduction notice in 14-point font to “prominent font.”

SHRR 210-140 Notice and Posting

Manner of distribution: Changed requirement that TNCs display the Notice of Rights as a pop-up notification to a requirement that TNCs affirmatively provide the TNC driver with notice.

SHRR 210-160 Production of Records

Because OLS instituted significant non-substantive structural/organizational changes to SHRR 210-160, the entire rules is struck through and reproduced in underlined text. The new proposed rule also includes limited substantive changes.

Note: The finalized chapter will include immaterial, technical corrections that this document does not describe.

Please send comments by email to labor.standards@seattle.gov with the subject line “Comments: TNC Driver Minimum Compensation Proposed Rules” or by regular mail to:

Seattle Office of Labor Standards
810 Third Ave., Suite 375
Seattle, WA 98104-1627
Attention: Comments: TNC Driver Minimum Compensation Proposed Rules

You can also comment by calling 206-256-5297.

PROPOSED RULES FOR NOTICE AND COMMENT

SEATTLE OFFICE OF LABOR STANDARDS Seattle Human Rights Rules (SHRR) Chapter 210

Practices for administering Transportation Network Company Driver Minimum Compensation Ordinance requirements under Seattle Municipal Code 14.33

SHRR 210-120 TNC Driver Minimum Compensation

SHRR 210-140 Notice and Posting

SHRR 210-160 Production of Records

SHRR 210-120 TNC Driver Minimum Compensation

- a. In general. Consistent with SMC 14.33, a TNC may only deduct compensation when the TNC driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose for the benefit of the TNC driver. Any such authorization by a TNC driver must be voluntary and knowing. Neither the TNC nor any person acting in the interest of the TNC may derive any financial profit or benefit from any of the deductions under SMC 14.33.050.C.
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- h. Deductions for vehicle rental or lease.
- i. Prior to commencing any deduction for vehicle rental or lease, each TNC shall obtain written authorization in accordance with this section and SMC 14.33.050.C. The authorization shall be provided in a stand-alone format in at least 14 point prominent font and shall list any variance in the deduction based on hours or miles of TNC service. The authorization shall also estimate the total weekly deduction amount to TNC drivers who provide 10, 20, 30, and 40 hours of TNC services per week based on all charges, whether assessed on a weekly, monthly, per minute, per mile or other basis.
- ii. Deductions for vehicle rental or lease must be for the benefit of the TNC driver and the TNC may not derive a financial profit or benefit from such rentals or leases.

SHRR 210-140 Notice and Posting

1. Notice of Rights.

- a. In general. Consistent with SMC 14.33, TNCs shall provide each TNC driver with a written Notice of Rights established by SMC 14.33. The Agency may create and distribute a model Notice of Rights in English and other languages. Regardless of whether the Agency has created and distributed a model Notice of Rights, TNCs are responsible for providing TNC drivers with the Notice of Rights required by this subsection 14.33.100.A, in a form and manner sufficient to inform TNC drivers of their rights under this Chapter 14.33.
- b. Agency provision of Notice of Rights. In the event that the Agency creates a model Notice of Rights in English and/or other languages, each TNC must distribute the written Notice of Rights in a substantially similar form in the languages provided by

the Agency and must translate and distribute the Notice of Rights into any language that the TNC knows or has reason to know is the primary language of the TNC driver.

- c. Manner of distribution. The written Notice of Rights shall be made available to the TNC driver via smartphone application or online web portal. At least one time per calendar month in which the TNC driver logs on to the driver platform, the TNC shall ~~display~~ affirmatively provide the TNC driver with the Notice of Rights ~~as a pop-up notification when a TNC driver first opens the driver platform via email and in one of the following two formats: text message or via a message in the TNC driver platform.~~ The manner of distribution shall be the same manner that communications are typically sent from the TNC to the TNC driver. For a new TNC driver or a TNC driver who has not logged on to the driver platform for a six-month period, the TNC shall ~~display~~ affirmatively provide the TNC driver with the Notice of Rights ~~as a pop-up notification when the TNC driver first opens the driver platform within 48 hours of the TNC driver logging into the driver platform via email and in one of the following two formats: text message or via a message in the TNC driver platform.~~ The manner of distribution shall be the same manner that communications are typically sent from the TNC to the TNC driver.

SHRR 210-160 Production of Records

- ~~1. In general.~~ Consistent with SMC 14.33, each TNC shall routinely and affirmatively transmit to the Agency the records specified in this Rule. Except as provided in SHRR 210-160.3.a.ii, records shall be transmitted at least monthly.
- ~~2. Per trip records.~~ Each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the following per trip records in a form and format to be specified by the Agency:
 - ~~a. Passenger Platform time:~~
 - ~~i. The date and time the TNC driver began and ended passenger platform time. The time may be rounded to the nearest 30 minute interval.~~
 - ~~ii. The distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall provide the distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time in the City.~~
 - ~~b. TNC driver compensation, itemized to include any tip compensation, incentive compensation, individually itemized deductions, fees, tolls, surcharges, commissions, lease or rental fees, or other charges. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall also provide the payment for the distance travelled and time spent during passenger platform time in the City.~~
 - ~~c. A designation of whether the trip began outside of the City.~~
 - ~~d. A designation of whether the trip was a shared trip.~~
 - ~~e. Passenger fares, rounded to the nearest dollar.~~
 - ~~f. The time the passenger waited from trip request to passenger pick-up.~~
- ~~3. Available platform time, dispatch platform time, and session time records.~~
 - ~~a. Form, format, and frequency of transmission.~~

- i. ~~**During Assessment Period.** During an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the records specified in SHRR 210.160.3 in a form and format designated by the Agency.~~
 - ii. ~~**Outside of Assessment Period.** Outside of an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, not more than monthly, the available platform time records specified in SHRR 210.160.3 in a form, format, and frequency designated by the Agency.~~
 - b. ~~Available platform time records.~~
 - i. ~~Each TNC shall transmit the distance travelled in miles to the third decimal as well as the date and time (to the nearest second) the TNC driver began and ended each period of available platform time.~~
 - ii. ~~Available platform time records shall be associated with the TNC driver's King County/City for hire driver license or permit number.~~
 - iii. ~~Available platform time records shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.7.~~
 - iv. ~~The Agency is authorized to require that anonymization protocols be applied to the for hire driver license or permit number prior to transmitting such records to the Agency.~~
 - c. ~~Dispatch platform time records.~~
 - i. ~~Each TNC shall transmit the date and time that the TNC driver began and ended dispatch platform time. The time may be rounded to the nearest 30-minute interval.~~
 - ii. ~~Each TNC shall transmit the distance travelled in miles to the third decimal place and time spent in seconds during dispatch platform time.~~
 - d. ~~Session times records.~~ ~~Each TNC shall transmit to the Agency the time and date of each instance a TNC driver logged on to and logged off of the TNC driver platform, including instances when the TNC logs off the TNC driver. Each TNC shall indicate whether a session ended due to the TNC logging the TNC driver off of the driver platform.~~
- 4. ~~**Shared rides.** For all shared rides, each TNC shall transmit at least monthly, in addition to the records specified in SHRR 210-160:~~
 - a. ~~Tip compensation itemized on a per-passenger basis;~~
 - b. ~~The distance travelled in miles to the third decimal place and time spent in seconds commencing when the first passenger is picked up and ending when the last passenger is dropped off.~~
- 5. ~~**Location information.** Each TNC shall separately transmit to the Agency the origin and destination of each trip covered by SMC 14.33. The location information may be provided to the U.S. Census block group 2010 level, or subsequent Census Block group as designated by the Agency. Location information shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.7 or any personally identifiable TNC driver information.~~
- 6. ~~**Records not for transmission.** Except as provided in SHRR 210-160.3.b, a TNC shall not transmit to the Agency any personally identifiable TNC driver information, including name, age, date of birth, home address, social security number, vehicle make, vehicle model, vehicle identification number, vehicle license plate number, driver's license number, or other similar records. Records required to be produced under these Rules or~~

SMC 14.33 are deemed not to constitute personally identifiable TNC driver information for purposes of SHRR 210-160.6.

~~7. **Identification numbers.** For each record enumerated in SHRR 210-160.2; 210-160.3.c; 210-160.3.d; and 210-160.4, the TNC shall create and associate a unique TNC driver identification number, unique trip identification number, and unique vehicle identification number. Provided however, that the TNC shall not associate a trip identification number with the session time records required under SHRR 210-160.3.d. These identification numbers shall be unique from any TNC driver identification number, trip identification number, or vehicle identification number submitted to King County, The Port of Seattle, or other government entity.~~

~~8. **Agency Authority.**~~

- ~~a. Form, format, and security protocols. The Agency is authorized to order that each TNC produce records in a particular form or format and to order particular security or privacy protocols.~~
- ~~b. Frequency of transmission. Except as provided in SHRR 210.160.3.a.ii, The Agency is further authorized to order that each TNC produce records more or less frequently than once a month. Notice of such orders will be provided directly to each TNC or via posting on the Agency website.~~
- ~~c. Sample periods. The Agency is authorized to require each TNC to produce sample data, for a subset of specifically identified trips that includes:
 - ~~i. The exact start and end times and location to the fifth decimal place for each period of available platform time, dispatch platform time, and passenger platform time;~~
 - ~~ii. The date and time (to the nearest second) the TNC driver arrived at the passenger pick-up location, as indicated by the TNC driver denoting arrival in the driver platform, the driver platform recording such arrival based on GPS coordinates or other internal functionality;~~
 - ~~iii. Other information as specified by the Agency.~~~~

~~9. **Privacy Principles.** The Agency shall use, store, and maintain records produced under SHRR 210-160 in accordance with the City of Seattle's Privacy Principles.~~

1. In general. Consistent with SMC 14.33, each TNC shall routinely and affirmatively transmit to the Agency the records specified in this Rule. Except as provided in SHRR 210-160.3.a.ii, records shall be transmitted at least monthly.

2. Per-trip records. Each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the following per-trip records in a form and format to be specified by the Agency:

- a. Passenger Platform time:
 - i. The date and time the TNC driver began and ended passenger platform time. The time may be rounded to the nearest 30-minute interval.
 - ii. The distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time. In the case of a trip with a passenger pick-up location outside of the City, the TNC shall provide the distance travelled in miles to the third decimal place and time spent in seconds during passenger platform time in the City.
- b. TNC driver compensation, itemized to include any tip compensation, incentive compensation, individually itemized deductions, fees, tolls, surcharges, commissions, lease or rental fees, or other charges. In the case of a trip with a

passenger pick-up location outside of the City, the TNC shall also provide the payment for the distance travelled and time spent during passenger platform time in the City.

- c. A designation of whether the trip began outside of the City.
- d. A designation of whether the trip was a shared trip.
- e. Passenger fares, rounded to the nearest dollar.
- f. The time the passenger waited from trip request to passenger pick-up.

3. Available platform time, dispatch platform time, and session time records.

- a. Form, format, and frequency of transmission.
 - i. **During Assessment Period.** During an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, at least monthly, the records specified in SHRR 210.160.3 in a form and format designated by the Agency.
 - ii. **Outside of Assessment Period.** Outside of an assessment period, each TNC shall routinely and affirmatively transmit to the Agency, not more than monthly, the available platform time records specified in SHRR 210.160.3 in a form, format, and frequency designated by the Agency.
- b. Available platform time records.
 - i. Each TNC shall transmit the distance travelled in miles to the third decimal as well as the date and time (to the nearest second) the TNC driver began and ended each period of available platform time.
 - ii. Available platform time records shall be associated with the TNC driver's King County/City for-hire driver license or permit number.
 - iii. Available platform time records shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.7.
 - iv. The Agency is authorized to require that anonymization protocols be applied to the King County/City for-hire driver license or permit number prior to transmitting such records to the Agency.
- c. Dispatch platform time records.
 - i. Each TNC shall transmit the date and time that the TNC driver began and ended dispatch platform time. The time may be rounded to the nearest 30-minute interval.
 - ii. Each TNC shall transmit the distance travelled in miles to the third decimal place and time spent in seconds during dispatch platform time.
- d. Session times records. Each TNC shall transmit to the Agency the time and date of each instance a TNC driver logged on to and logged off of the TNC driver platform, including instances when the TNC logs off the TNC driver. Each TNC shall indicate whether a session ended due to the TNC logging the TNC driver off of the driver platform.

4. Shared rides. For all shared rides, each TNC shall transmit at least monthly, in addition to the records specified in SHRR 210-160:

- a. Tip compensation itemized on a per-passenger basis;
- b. The distance travelled in miles to the third decimal place and time spent in seconds commencing when the first passenger is picked-up and ending when the last passenger is dropped off.

5. Location information. Each TNC shall separately transmit to the Agency the origin and destination of each trip covered by SMC 14.33. The location information may be provided to the U.S. Census block group 2010 level, or subsequent Census Block group

as designated by the Agency. Location information shall not be associated with the unique driver identification number, unique trip identification number, or unique vehicle identification number required under SHRR 210-160.7 or any personally identifiable TNC driver information.

6. **Records not for transmission.** Except as provided in SHRR 210-160.3.b, a TNC shall not transmit to the Agency any personally identifiable TNC driver information, including name, age, date of birth, home address, social security number, vehicle make, vehicle model, vehicle identification number, vehicle license plate number, driver's license number, or other similar records. Records required to be produced under these Rules or SMC 14.33 are deemed not to constitute personally identifiable TNC driver information for purposes of SHRR 210-160.6.
7. **Identification numbers.** For each record enumerated in SHRR 210-160.2; 210-160.3.c; 210-160.3.d; and 210-160.4, the TNC shall create and associate a unique TNC driver identification number, unique trip identification number, and unique vehicle identification number. Provided however, that the TNC shall not associate a trip identification number with the session time records required under SHRR 210-160.3.d. These identification numbers shall be unique from any TNC driver identification number, trip identification number, or vehicle identification number submitted to King County, The Port of Seattle, or other government entity.
8. **Agency Authority.**
 - a. Form, format, and security protocols. The Agency is authorized to order that each TNC produce records in a particular form or format and to order particular security or privacy protocols.
 - b. Frequency of transmission. Except as provided in SHRR 210.160.3.a.ii, The Agency is further authorized to order that each TNC produce records more or less frequently than once a month. Notice of such orders will be provided directly to each TNC or via posting on the Agency website.
 - c. Sample periods. The Agency is authorized to require each TNC to produce sample data, for a subset of specifically identified trips that includes:
 - i. The exact start and end times and location to the fifth decimal place for each period of available platform time, dispatch platform time, and passenger platform time;
 - ii. The date and time (to the nearest second) the TNC driver arrived at the passenger pick-up location, as indicated by the TNC driver denoting arrival in the driver platform, the driver platform recording such arrival based on GPS coordinates or other internal functionality;
 - iii. Other information as specified by the Agency.
9. **Privacy Principles.** The Agency shall use, store, and maintain records produced under SHRR 210-160 in accordance with the City of Seattle's Privacy Principles.