

Assembly Bill No. 1340

CHAPTER 335

An act to add Chapter 10.7 (commencing with Section 7470) to Division 3 of the Business and Professions Code, and to add Section 7927.710 to the Government Code, relating to transportation.

[Approved by Governor October 3, 2025. Filed with Secretary
of State October 3, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, Wicks. Transportation network company drivers: labor relations.

Existing law declares the public policy of the state regarding labor organization, including, among other things, that it is necessary for a worker to have full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment, and to be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Existing law, the Protect App-Based Drivers and Services Act, added by Proposition 22, as approved by the voters at the November 3, 2020, statewide general election (the initiative), categorizes app-based drivers for network companies, as defined, as independent contractors if certain conditions are met. Existing law requires, among other things, that the network company provide a health care subsidy to qualifying app-based drivers, provide a minimum level of compensation for app-based drivers, and not restrict app-based drivers from working in any other lawful occupation or business. Existing case law holds that specified provisions of the initiative are invalid on separation of powers grounds; however, the court severed the unconstitutional provisions, allowing the rest of the initiative to remain in effect.

Existing law also establishes the Public Employment Relations Board (board) in state government as a means of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining. Existing law vests the board with jurisdiction to enforce certain provisions over charges of unfair practices for represented employees.

This bill, the Transportation Network Company Drivers Labor Relations Act (act), would establish that transportation network company (TNC) drivers have the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, to engage in concerted activities for the purpose of bargaining or

other mutual aid or protection, and to refrain from such activities. The bill would require the board to enforce these provisions.

This bill would require all TNCs to submit certain information every quarter, including information identifying and related personal work information about TNC drivers to the board in a list format, as prescribed. The bill would establish various procedures governing the certification and decertification of TNC driver organizations for purposes of representing drivers in the collective bargaining process. In this connection, the bill would require the board to determine if an entity is a TNC driver organization, as prescribed, and make certain determinations as to whether a specific organization has been designated as the bargaining representative for TNC drivers pursuant to an election process. The bill would establish various notice requirements, conditions, and timelines governing the representation of TNC drivers. The bill would, among other things, require TNCs and certified driver bargaining organizations to negotiate in good faith pursuant to the act, as described, and would set forth procedures for mediation and arbitration for purposes of reaching a sectoral agreement. The bill would set forth procedures and guidelines for the board to approve or disapprove sectoral agreements. The bill would require a TNC that was not a covered TNC when a sectoral agreement took effect but subsequently became a covered TNC to be bound by all terms of the sectoral agreement, as specified.

This bill would make it an unfair practice for a TNC, an agent of a TNC, or a multicompany committee, as defined, to fail or refuse to negotiate in good faith with a certified driver bargaining organization, among other things. The bill would also make it an unfair practice for a certified driver bargaining organization or its agents to fail to negotiate in good faith with a TNC or multicompany committee, among other things. The bill would set forth unfair practice charge procedures and remedies for those practices. The bill would define terms for purposes of the act, make the provisions of the act severable, and make related legislative policy statements.

Existing law, the Bagley-Keene Open Meeting Act, generally requires all meetings of a state body to be open and public.

This bill would exempt any meeting of a mediator or arbitrator with any party or group to the negotiations process and the mediation and arbitration processes in the act from the Bagley-Keene Open Meeting act.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would exclude from public disclosure information regarding TNC drivers that is submitted to the board pursuant to the act, except as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.7 (commencing with Section 7470) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 10.7. TRANSPORTATION NETWORK COMPANY DRIVERS LABOR
RELATIONS ACT

7470. This chapter shall be known, and may be cited as, the Transportation Network Company Drivers Labor Relations Act.

7470.1. (a) It is the policy of the State of California to encourage and protect the right of transportation network company drivers to full freedom of association, self-organization, and designation of representatives of their own choosing to negotiate the compensation that they receive as well as other terms and conditions of their agreements with transportation network companies.

(b) The benefit to the state's economy from negotiated agreements between transportation network company drivers and the transportation network companies, including where those agreements are multiparty, sectoral agreements, outweighs the anticompetitive effect of those agreements. It is the state's intent that the state action antitrust exemption to the application of federal and state antitrust laws shall apply to the activities of transportation network company drivers, transportation network company driver organizations, bargaining representatives for transportation network company drivers, and transportation network companies when they are participating in negotiations and other activities as authorized or regulated by this chapter.

(c) The purposes of this chapter are to provide transportation network company drivers the opportunity to self-organize and designate representatives of their own choosing in order to bargain with transportation network companies, to facilitate the prevention or prompt resolution of disputes between transportation network companies and transportation network company drivers, and to improve the working conditions of transportation network company drivers and therefore the services provided to the general public.

(d) It is the policy of the state to establish various notice requirements, conditions, and timelines governing the representation of transportation network company drivers. It is the policy of the state to require transportation network companies and certified driver bargaining organizations to negotiate in good faith pursuant to the act and to set forth procedures for mediation and arbitration for purposes of reaching a bargaining agreement.

(e) In November 2020, the California voters approved Proposition 22, the "Protect App-Based Drivers and Services Act," which has been codified in Chapter 10.5 (commencing with Section 7448). That measure establishes certain minimum standards for app-based drivers, while allowing, as the California courts have held, the state to create a system for negotiations

between transportation network company drivers and transportation network companies, including, by agreement, to voluntarily increase the standards that were established by Proposition 22. This chapter establishes a robust system to authorize those negotiations, while accommodating Proposition 22, which limits the state's ability to impose certain terms through the binding interest arbitration process that applies if the parties are otherwise unable to reach an agreement but does not otherwise impose limits on that process.

(f) Because of the nature of the industry, many individuals who perform work as transportation network company drivers have only a short-term or highly intermittent relationship with the industry. For both logistical and policy reasons, this chapter establishes a threshold for eligibility to participate in the selection of a union representative so the choice can be made by those drivers who have more than a casual or short-term relationship with the industry and, therefore, have a more significant interest in making that choice.

7470.2. For purposes of this chapter, the following definitions apply:

(a) "Active TNC driver" means a transportation network company (TNC) driver who has driven at least the minimum number of rides during the past six months with a covered TNC's platform in the State of California, as determined by the board pursuant to Section 7470.6.

(b) "Board" means the Public Employment Relations Board established pursuant to Section 3541 of the Government Code.

(c) "Certified driver bargaining organization" means an organization that has been certified by the board as the representative of all TNC drivers in the state for purposes of bargaining pursuant to this chapter.

(d) (1) "Company union" means any committee, worker representation plan, or association of TNC drivers or others that exists for the purpose, in whole or in part, of dealing with TNCs concerning grievances or terms and conditions of work for TNC drivers, for which either or both of the following is true:

(A) A TNC has initiated or created the union, proposed its initiation or creation, participated in the formulation of its governing rules or policies, or participated in or supervised its management, operations, or elections.

(B) A TNC has maintained, financed, controlled, dominated, or assisted in maintaining or financing the union, unless required to do so by this chapter or any regulations implementing this chapter, whether by compensating anyone for services performed on its behalf or by donating free services, equipment, materials, office or meeting space, or anything else of value, or by any other means.

(2) A TNC driver organization shall not be deemed a company union solely because any of the following are true:

(A) It has negotiated or been granted the right to designate TNC drivers to be released with pay for the purpose of providing representational services in labor-management affairs on behalf of TNC drivers represented by the TNC driver organization.

(B) In the course of providing representational services to workers for whom it is the certified driver bargaining organization, a TNC has allowed agents of the TNC driver organization to meet with drivers at the TNC's premises.

(C) It has received from a TNC the voluntary membership dues deductions of TNC drivers or the TNC has processed or transmitted membership dues pursuant to subdivision (d) of Section 7470.9.

(D) It has received funds from a TNC for the administration of benefits and services to TNC drivers pursuant to a bargaining agreement in its capacity as the certified driver bargaining organization.

(e) "Covered TNC" means a TNC that is a covered TNC based on ride-share volume, as determined pursuant to Section 7470.5.

(f) "Multicompany committee" means a committee formed by multiple TNCs for purposes of bargaining pursuant to this act.

(g) "Scope of representation" has the same meaning as set forth in Section 7470.11.

(h) "Sectoral agreement" means an agreement between covered TNCs and the certified driver bargaining organization that meets the requirements of Section 7470.13 and that, if approved by the board, will apply to all covered TNCs.

(i) "Transportation network company" or "TNC" is a person or company that falls under the definition set forth in subdivision (c) of Section 5431 of the Public Utilities Code. A TNC is covered by this chapter only if it provides prearranged transportation services in the state and connects passengers with TNC drivers and only with respect to those TNC drivers.

(j) "Transportation network company driver" or "TNC driver" means any person who uses a personal vehicle in connection with a TNC's online-enabled application or platform to connect with passengers in the state pursuant to the TNC license of the TNC. However, this term does not include any individual, who, with respect to the provision of services through a TNC's online-enabled application or platform, is determined by a final order of a court of competent jurisdiction or the National Labor Relations Board, or declared by a TNC to be a person who is an employee within the meaning of Section 152(3) of Title 29 of the United States Code or within the meaning of Section 31.3121(d)-1 or Section 31.3401(c)-1 of Title 26 of the Code of Federal Regulations.

(k) "Transportation network company driver organization" or "TNC driver organization" means an organization that has all of the following characteristics:

(1) The organization has engaged in advocacy for drivers who transport passengers in California, or is affiliated with an organization that has engaged in advocacy for drivers who transport passengers in California, for a minimum of five years.

(2) The organization has experience, or is affiliated with an organization that has experience, in negotiating collective bargaining agreements and representing workers under those agreements, including the representation

of workers in filing unfair labor practice charges and in grievance proceedings.

(3) The organization has as one of its main purposes the representation of workers in their labor relations.

(4) The organization's bylaws or other internal governing documents will give TNC drivers the right to be members of the organization and to participate in the democratic control of the organization if the bargaining unit chooses to be represented by the organization.

(5) The organization is not sponsored by, dominated by, or controlled by a transportation network company.

(6) The organization is not a company union.

7470.3. (a) TNC drivers have the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, to engage in concerted activities for the purpose of bargaining or other mutual aid or protection, and to refrain from such activities.

(b) This chapter shall not be interpreted to prohibit TNC drivers from exercising the right to confer with TNCs at any time, provided that during any conference there is no attempt by the TNC, directly or indirectly, to interfere with, restrain, or coerce workers in the exercise of the rights guaranteed by this section.

7470.4. (a) The board shall enforce this chapter.

(b) The powers and duties of the board, as described in Section 3541.3 of the Government Code, shall also apply to the board's administration and enforcement of this chapter.

(c) The board may adopt rules and regulations as necessary to implement this chapter.

(d) The board may, where necessary and consistent with the purpose of this act, construe any provision in Section 3541.3 of the Government Code, or a related statute or implementing regulation applicable to the board, referring to "employee" or "employees" to include a "transportation network company driver," as defined in Section 7470.2, referring to "employee organization" to include a "transportation network company driver organization," as defined in Section 7470.2, referring to "exclusive representative" to include a "certified driver bargaining organization," as defined in Section 7470.2, and referring to "employer" to include a "transportation network company," as defined in Section 7470.2.

7470.5. (a) (1) In addition to the TNC driver lists required by Section 7470.6 and 7470.9, within two weeks after the end of each calendar quarter, commencing on January 1, 2026, and at the completion of every three months thereafter, each TNC shall electronically submit to the board a single statewide total of the rides performed during the prior quarter by TNC drivers, as defined in Section 7470.2, on its online-enabled application or platform.

(2) The information required by paragraph (1) shall be produced in a manipulable electronic format, such as a spreadsheet program consisting of cells organized by lettered columns and numbered rows with each data point

in a separate cell that allows users to sort and perform calculations and analysis. The board may require that the information be provided in a specified software program.

(b) (1) Within 14 days after the deadline in subdivision (a), the board shall total all rides reported pursuant to that subdivision.

(2) The board shall rank all TNCs by rideshare volume in descending order. The board shall begin with the highest ranked TNC and continue down the list until the board has identified the TNCs whose rides collectively equal or exceed 95 percent of the statewide total for the preceding quarter. These TNCs shall be deemed “covered TNCs” for purposes of this chapter.

(3) For purposes of this subdivision, all TNCs under common ownership or control shall be considered to be a single TNC. The board shall publish the list of covered and noncovered TNCs and rideshare volume information on its internet website. The board shall notify each TNC as to whether the TNC is a covered TNC.

(c) (1) If a TNC willfully fails to submit the list required by this section, the board shall promptly issue a complaint charging the TNC with an unfair practice and petition a court of competent jurisdiction for temporary relief to compel production of the list.

(2) In addition to any other remedy provided by law, a TNC found to have committed an unfair practice by failing to submit the list required by this section shall be subject to a civil penalty, payable to the General Fund, not to exceed ten thousand dollars (\$10,000) per day for each day after the deadline that the list was not provided. The amount of the penalty shall be determined by the board through application of the following criteria:

(A) The size of the TNC.

(B) The severity of the violation.

(C) Any prior history of violations by the TNC.

(3) In addition to any other remedy provided by law, a TNC found to have committed an unfair practice by failing to submit the list required by this section shall be required by the board to pay the board’s attorney’s fees and costs for any court proceeding initiated by the board to compel production of the list.

(4) The failure of a TNC to submit the list required by this section shall not prevent the board from providing a list of covered and noncovered TNCs to the extent the board concludes that the missing information cannot reasonably be expected to change whether those TNCs are covered or noncovered TNCs.

7470.6. (a) (1) Within two weeks after the end of each calendar quarter, commencing with the quarter ending on March 31, 2026, each covered TNC shall submit to the board the name, driver’s license number, and, to the extent known by a TNC, the most recent email address, local residence and mailing addresses, cellular telephone number, as well as the TNC driver’s first date joining the platform and the number of rides the TNC driver completed in the previous six months for each TNC driver who has completed at least 20 rides within the State of California within the prior six months.

(2) The list required by paragraph (1) shall be produced in a manipulable electronic format, such as a spreadsheet program consisting of cells organized by lettered columns and numbered rows with each data point in a separate cell that allows users to sort and perform calculations and analysis. The board may require that the list be provided in a specified software program.

(b) Within 14 days of the deadline for submission of the information set forth in subdivision (a) and until a TNC driver organization has been certified as the certified driver bargaining organization, the board shall combine the data provided by covered TNCs and calculate the median number of rides provided by all TNC drivers whose information has been submitted under subdivision (a) and shall prepare a list of all TNC drivers who have completed the median number of rides or more in the past six months. Any TNC driver who completed the median number of rides or more shall be deemed an active TNC driver. The list shall include the information set forth in subdivision (a) and shall designate the covered TNC or covered TNCs the TNC driver has driven for during the prior six months. The board shall take appropriate steps to ensure that TNC drivers who drive for multiple covered TNCs are not listed multiple times but are listed a single time with the relevant covered TNCs designated. An individual covered TNC's failure to submit the required information shall not relieve the board of its responsibility to timely provide the list required by this subdivision. These records shall not be considered public records under any applicable law.

7470.7. (a) For purposes of this chapter, the board shall determine if an entity is a TNC driver organization within the meaning set forth in Section 7470.2, as follows:

(1) The board shall designate a 10-day period to occur on or after January 1, 2026, and every three months thereafter, during which an entity must apply to the board in order to be designated as a TNC driver organization or to have its designation renewed.

(2) The general counsel of the board shall have the authority to determine if an entity is a TNC driver organization upon application by that entity. The general counsel shall issue that determination within 10 days of receiving the application.

(3) If the general counsel determines an entity is not a TNC driver organization, the general counsel shall state the reasons for this determination. An applicant determined not to be a TNC may appeal this adverse determination to the board within 30 days of the determination.

(b) Once an entity has been determined to be a TNC driver organization, this determination shall remain valid for two years unless it is determined that the entity no longer meets the definition of a TNC driver organization.

(c) The certified driver bargaining organization shall be presumed to continue to meet the definition of a TNC driver organization without the need to apply for renewal of that determination every two years.

7470.8. The certification and decertification process for TNC driver organizations shall follow the procedures set forth in this section.

(a) (1) (A) A TNC driver organization may, at any time after May 1, 2026, present to the board proof sufficient to show that at least 10 percent

of active TNC drivers have authorized the TNC driver organization to act as their bargaining representative.

(B) Within 30 days of a TNC driver organization request for a board determination under subparagraph (A), the board shall determine whether the organization has been authorized to act as bargaining representative by at least 10 percent of active TNC drivers.

(2) Within 30 days of the board's determination that a TNC driver organization has presented sufficient proof to satisfy subparagraph (A) of paragraph (1), and on every January 31, April 30, July 31, and October 31 thereafter, the board shall provide the TNC driver organization with the list described in subdivision (b) of Section 7470.6. A TNC driver organization may use the information in the list only for the purposes authorized by this chapter, and shall not provide the information to any third party unless that party is acting as the TNC driver organization's agent for purposes authorized by this chapter. A covered TNC shall not be liable for any damages caused by the TNC driver organization's or the board's failure to safeguard the list described in Section 7470.6 from a data or security breach.

(3) Within 30 days of the board's determination that a TNC driver organization has presented sufficient proof to satisfy subparagraph (A) of paragraph (1), each covered TNC shall send a notice from the board to its TNC drivers who were on the most recent list submitted by that TNC to the board pursuant to Section 7470.6, in a form determined by the board, that the TNC driver organization is seeking to represent TNC drivers for the purpose of initiating a bargaining process in order to establish terms and conditions for TNC drivers in the industry. The board's notice shall advise TNC drivers of the threshold for status as an active driver eligible to execute a proof of support. The board's notice shall be neutral as to whether TNC drivers should support a TNC driver organization.

(4) For six months from the date of the board's determination that a TNC driver organization has been authorized to act as the bargaining representative by at least ten percent of active TNC drivers, no other TNC driver organization shall be certified as the certified driver bargaining organization of those workers without an election.

(b) (1) (A) A TNC driver organization may, at any time after May 1, 2026, present to the board proof sufficient to show at least 30 percent of active TNC drivers have authorized the TNC driver organization to act as their bargaining representative.

(B) Within 30 days of a TNC driver organization request for a board determination under subparagraph (A), the board shall make a determination as to whether the organization has presented sufficient proof to satisfy subparagraph (A), and if it has, shall certify the TNC organization as the certified driver bargaining organization, subject to paragraph (2).

(2) (A) If a TNC driver organization seeking certification as the certified driver bargaining organization under this subdivision provides evidence that at least 30 percent but less than a majority of active TNC drivers have designated the TNC driver organization to act as their bargaining representative, the board shall wait 30 days before certifying the TNC driver

organization as the certified driver bargaining organization. If, during those 30 days, another TNC driver organization provides evidence that at least 30 percent of active TNC drivers have authorized it to act as their bargaining representative, or a TNC driver provides evidence that at least 30 percent of active TNC drivers do not wish to be represented by any TNC driver organization, then the board shall within 60 days hold a representation election among all active TNC drivers.

(B) The election shall be conducted using a remote electronic voting system that must allow both electronic voting from remote site personal computers via the internet and electronic voting from personal or cellular telephones. The system shall not include voting machines used for casting votes at polling sites or electronic tabulation systems where votes are cast nonelectronically but counted electronically, such as punch card voting or optical scanning systems.

(3) If the TNC driver organization provides evidence that a majority of active TNC drivers have designated the TNC driver organization to act as their bargaining representative, then the board shall not wait 30 days nor shall it hold an election before certifying the TNC driver organization as the certified driver bargaining organization.

(c) (1) A TNC driver organization may submit proof of support to the board to demonstrate that TNC drivers have authorized a TNC driver organization to act as their bargaining representative under subdivision (a) or (b). A TNC driver organization may submit any proof of support that complies with Section 32700 of Title 8 of the California Code of Regulations. Valid proof of support shall have been executed by the TNC driver within the two years prior to the date that the TNC driver organization requested the board determination. The fact that the proof of support was executed by the TNC driver before the effective date of this chapter shall not affect its validity.

(2) For purposes of evaluating a TNC driver organization's proof of support under subdivision (a) or (b), the board shall use the list of active TNC drivers that was most recently issued pursuant to Section 7470.6 at the time the TNC driver organization requested a board determination.

(3) A TNC driver organization may submit proof that active TNC drivers have authorized the TNC driver organization to act as their bargaining representative under subdivision (a) or (b) on a rolling basis, over any time period that the TNC driver organization elects. If the TNC driver organization does so, the board may evaluate the proof on a rolling basis, subject to confirmation that the TNC driver is still on the relevant list of active TNC drivers when the TNC driver organization requests a board determination. The deadline for the board to determine whether the TNC driver organization has presented proof that a sufficient number of active TNC drivers wish to be represented by the TNC driver organization shall begin to run when the TNC driver organization notifies the board that it believes it has presented sufficient proof and is requesting a board determination.

(d) A TNC driver organization may, at any time within one year of the board's determination that the organization has been authorized to act as the bargaining representative by at least 10 percent of active TNC drivers, petition the board to conduct a representation election.

(1) Upon the receipt of such a petition, the board shall schedule a representation election to take place within 45 days and shall announce that election date on its internet website. The eligible voters shall be those individuals who are on the list of active TNC drivers that was most recently issued pursuant to Section 7470.6 at the time the TNC driver organization petitioned the board to conduct an election.

(A) The election shall be conducted using a remote electronic voting system that must allow both electronic voting from remote site personal computers via the internet and electronic voting from personal or cellular telephones. The system shall not include voting machines used for casting votes at polling sites or electronic tabulation systems where votes are cast nonelectronically but counted electronically, such as punch card voting or optical scanning systems.

(B) If, within seven days of the announcement of the election date, any other TNC driver organization submits evidence that it has been authorized to act as the bargaining representative by at least 10 percent of active TNC drivers, that TNC driver organization shall also appear on the ballot.

(C) Thirty days prior to the representation election, the board shall provide TNCs with an election notice that informs TNC drivers of the election date, how to vote, and what the effect of the representation election will be if the TNC driver organization receives a majority of valid votes cast. The board shall provide translated versions of the notice in all languages that the board determines are likely spoken by 5 percent or more of TNC drivers. Within seven days of the board's provision of the notice, each covered TNC shall send the notice, by email, by text, and through the method it ordinarily uses to communicate with TNC drivers, to all of the TNC drivers who appeared on the most recent list submitted by that TNC to the board pursuant to Section 7470.6. The board's notice shall advise TNC drivers of the threshold for status as an active driver eligible to cast a vote. The board may provide different versions of the notice that are appropriate for different means of communication.

(2) If the TNC driver organization receives a majority of valid votes cast by active TNC drivers, it shall be certified as the certified driver bargaining organization of all TNC drivers in the bargaining unit.

(3) When two or more TNC driver organizations are on the ballot and none of the listed choices receive a majority of the valid votes cast, there shall be a runoff election between the two choices receiving the highest number of votes cast and second highest number of votes cast. The election shall be held within 30 days of the determination that no choice received a majority of valid votes. The provisions for notice set forth in subparagraph (C) of paragraph (1) shall apply.

(A) The TNC drivers eligible to vote in the runoff election shall be the same TNC drivers who were eligible to vote in the original election. A TNC

driver organization receiving a majority of the valid votes cast in the runoff shall be certified as the certified driver bargaining organization of all TNC drivers in the bargaining unit.

(B) If a majority of the valid votes cast are for no driver organization, then the board shall not certify any TNC driver organization as the certified driver bargaining organization.

(e) (1) A TNC driver organization certified as the certified driver bargaining organization shall have the authority to represent all TNC drivers in the bargaining unit, without challenge by another TNC driver organization, for one year following certification and during the time that a bargaining agreement is in effect, provided that this period shall not be longer than three years following the date of the approval of a bargaining agreement, except during a 30-day window period that shall begin 90 days before, and end 60 days before, the bargaining agreement expires.

(2) During the times when the certified driver bargaining organization is subject to challenge, TNC drivers may file for a decertification election upon a showing that at least 30 percent of active TNC drivers have demonstrated support for decertification. The board will determine the list of active TNC drivers pursuant to Section 7470.6. The board will then schedule an election within 30 days to determine the TNC driver organization's status as the certified driver bargaining organization. The TNC driver organization shall retain its status as the certified driver bargaining organization if it receives a majority of valid votes cast by active TNC drivers.

(f) The only appropriate bargaining unit of TNC drivers for purposes of this chapter is a statewide unit of all TNC drivers who drive for covered TNCs.

7470.9. (a) The certified driver bargaining organization shall have the right to represent all TNC drivers in the bargaining unit with respect to matters within the TNC driver organization's role as representative for purposes of this chapter. No other TNC driver organization shall be entitled to engage in bargaining with the covered TNCs concerning matters within the scope of representation.

(b) The certified driver bargaining organization shall represent each TNC driver in the represented unit fairly with respect to matters within the scope of representation of the bargaining unit for purposes of this chapter, without discrimination and without regard to whether the TNC driver is a member of the TNC driver organization.

(c) The certified driver bargaining organization shall be entitled to receive from the board, on a quarterly basis, within three weeks after the end of each calendar quarter, the lists of TNC drivers provided by the covered TNC to the board pursuant to Section 7470.6. The covered TNCs and the certified driver bargaining organization may, by mutual agreement, change the specification of the data that must be included on the list. The specification of the data that will be included on the list shall be within the scope of bargaining. The certified driver bargaining organization may use the information in the list only for the sole purpose of representing TNC drivers

as authorized by this chapter and may not provide the information to any third party unless that party is acting as the organization's agent for purposes authorized by this chapter or administering benefits to drivers pursuant to a bargaining agreement. No other TNC driver organization shall be entitled to receive such a list from the board. Before receiving the list, the certified driver bargaining organization shall certify to the satisfaction of the board that the organization has implemented sufficient data security protection procedures in compliance with applicable data privacy laws, strictly limiting the use of data to what is permitted under this chapter, and establishing clear protocols for data breach notifications. A covered TNC shall not be liable for any damages caused by the certified driver bargaining organization's or the board's failure to safeguard the list described in this section from a data or security breach.

(d) The certified driver bargaining organization shall have a right to voluntary membership dues deduction upon presentation of dues deduction authorizations signed by individual TNC drivers, which may be in an electronic format or through the covered transportation network company's online-enabled application.

(1) A covered TNC shall commence making deductions as soon as practicable, but no later than 30 days after receiving proof of a signed dues deduction authorization, and dues shall be submitted to the certified driver bargaining organization within 30 days of the deduction.

(2) The right to the membership dues deduction shall remain in full force and effect until an individual revokes authorization for deductions in writing in accordance with the terms of the signed authorization.

(e) (1) Within 30 days after certification of the certified driver bargaining organization, the board shall develop a notice of TNC driver rights that notifies TNC drivers of their rights under this chapter and other applicable law, explains that TNC drivers are represented by the certified driver bargaining organization, provides the internet website and contact information of the certified driver bargaining organization, and informs TNC drivers of the procedure for filing an unfair practice charge. The board shall also post a copy of this notice on its internet website, may provide different versions of the notice that are appropriate for different means of communication, shall translate versions of the notice into all languages that the board determines are likely spoken by 5 percent or more of TNC drivers, and may modify this notice from time to time upon request of the certified driver bargaining organization.

(2) Within 30 days of the board's development of the notice described in paragraph (1), and at least once per month thereafter, each covered TNC shall send the notice to all TNC drivers who have provided rides within the State of California within the prior six months by text, email, and through the method that the covered TNC ordinarily uses to communicate with TNC drivers, provided that a covered TNC may petition to the board to be exempted from this requirement if it would impose an undue cost upon the covered TNC.

(3) Each covered TNC shall provide newly activated TNC drivers a notice, via electronic communication on its digital network, that they are represented by the certified driver bargaining organization upon the TNC driver's activation and that, if the driver performs 20 or more rides during a six-month period, their contact information will be provided to the certified driver bargaining organization on the next quarterly list. The notice shall be in a form approved by the certified driver bargaining organization and shall provide contact information for the certified driver bargaining organization.

(4) A covered TNC shall, within five days of receiving a request from the certified driver bargaining organization, confirm whether an individual has completed rides through the TNC's platform.

7470.10. Once the board determines that a TNC driver organization is the certified driver bargaining organization for the bargaining unit, the board shall notify all covered TNCs, and all covered TNCs as defined in subdivision (e) of Section 7470.2 shall be required to bargain with the certified driver bargaining organization concerning matters within the scope of representation.

7470.11. For purposes of this chapter, the term "scope of representation" shall mean TNC driver earnings, benefits, and other terms and conditions of work, including deactivations, which shall be mandatory subjects of bargaining.

7470.12. Each individual covered TNC shall retain exclusive control over the development, maintenance, design, pricing, and implementation of its product and product features, software, contract terms, algorithm, and operations and areas of service.

7470.13. (a) A sectoral agreement submitted to the board for approval shall address, at minimum, the following subjects, each of which must be set forth separately in the sectoral agreement, unless a subject is expressly waived by mutual agreement of the certified driver bargaining organization and the covered TNCs:

- (1) Appeals process for deactivations.
- (2) Representation of TNC drivers in deactivation appeals.
- (3) Paid leave.
- (4) Information disclosed to TNC drivers about trips on per-trip, weekly, and monthly earnings receipts and summaries, and on initial ride offers.
- (5) Grievance and arbitration procedures to resolve disputes arising under the sectoral agreement.
- (6) Grievance and arbitration procedures to resolve disputes about whether a TNC driver has received the mandatory compensation or benefits required by Chapter 10.5 (commencing with Section 7448).
- (7) Safety mandates imposed by the covered TNCs that require TNC drivers to purchase safety equipment or purchase safety software, and safety features or protocols proposed by the certified driver bargaining organization that have a demonstrable purpose of reducing the risk of physical assault or injury to TNC drivers. For the purposes of this paragraph, "purchase" includes an automatic withdrawal from TNC driver earnings.

- (8) Labor-TNC partnerships.
 - (9) Reasonable access by the certified driver bargaining organization to covered TNC-TNC driver communication systems.
 - (10) Deduction of voluntary fees and dues from payments to TNC drivers.
 - (11) Contributions or fees for a separate fund for the administration of benefits and services to TNC drivers including for TNC driver representation in deactivation appeals and other related activities.
 - (12) Duration of the sectoral agreement, which shall be between three and five years.
- (b) A sectoral agreement, including an agreement recommended by an arbitrator pursuant to Section 7470.14, may address subjects beyond the required subjects set forth in subdivision (a), including provisions for earnings and benefits above the minimums guaranteed to TNC drivers by Chapter 10.5 (commencing with Section 7448). These additional subjects shall be addressed in separate provisions of the sectoral agreement and are subject to nonbinding recommendations as set forth in Section 7470.14.
- (c) A sectoral agreement, including an agreement recommended by an arbitrator pursuant to Section 7470.14, shall not contain a provision that does any of the following:
- (1) Reduces the minimum guarantees provided to TNC drivers by Chapter 10.5 (commencing with Section 7448).
 - (2) Restrains TNC drivers' flexibility to choose work opportunities as protected by Section 7451.
 - (3) Alters or purports to alter the legal status of TNC drivers as independent contractors as established by Section 7451.
 - (4) Prevents an individual covered TNC from exercising its autonomy pursuant to Section 7470.12.
- 7470.14. (a) After the board notifies the covered TNCs of the board's determination that a specified TNC driver organization is the certified driver bargaining organization for the bargaining unit, that TNC driver organization or those covered TNCs may request to begin negotiations.
- (b) (1) All TNCs that are covered TNCs pursuant to Section 7470.5, their agents or representatives, and the certified driver bargaining organization shall have an obligation to negotiate in good faith to reach a sectoral agreement that will apply to all covered TNCs pursuant to this chapter.
- (2) Covered TNCs may form a multicompartment committee for purposes of collective bargaining. If covered TNCs do not form a multicompartment committee pursuant to this paragraph, then the certified driver bargaining organization may require all covered TNCs to bargain within the certified driver bargaining organization together, and an individual covered TNC shall not object to such a requirement to bargain in concert with other covered TNCs.
- (3) A sectoral agreement shall be approved by covered TNCs that includes at least 80 percent of the industry measured by rideshare volume on the most recent quarterly report filed with the board and that includes at least the two largest covered TNCs.

(4) For purposes of this subdivision, “to negotiate in good faith” means the performance of the mutual obligation of the covered transportation network companies or their agents or representatives and the certified driver bargaining organization to meet at reasonable times and negotiate in good faith with respect to subjects within the scope of representation and to execute a written contract incorporating any agreement reached if requested by either party. However, this mutual obligation does not compel either party to agree to a proposal or require the making of a concession.

(c) If the certified driver bargaining organization and covered TNCs reach a recommended sectoral agreement for the bargaining unit, the recommended agreement shall be ratified pursuant to the certified driver bargaining organization’s procedures. The recommended agreement shall then be submitted to the board for review and approval or disapproval. If the recommended agreement is not ratified according to the certified driver bargaining organization’s procedures, the certified driver bargaining organization and covered TNCs shall resume bargaining.

(d) (1) If there has been no prior sectoral agreement under this chapter, covered TNCs or the certified driver bargaining organization may file with the board, at any time following 210 days after an initial request to bargain, a petition requesting that the board issue an order referring the parties to mediation of their issues. The parties may also jointly file a petition requesting referral to mediation at any time after the commencement of bargaining. Upon receipt of a petition, the board shall promptly refer the parties to mediation.

(2) If the parties have not agreed upon a mediator, the board shall, within seven days of receiving the petition, obtain from the California State Mediation and Conciliation Service (CSMCS) a list of nine qualified, disinterested mediators who have experience in labor mediation and submit it to the parties. A representative of the covered TNCs and a representative of the certified driver bargaining organization shall alternately strike from the list one of the names. The order of striking shall be determined by lot until one name remains. The remaining person shall be designated as the mediator. In the event the parties are unable to select the mediator within 15 days following receipt of the list from the board because a party refuses to strike names, the board shall appoint the mediator from the list provided by CSMCS.

(3) The parties shall have a duty to participate in good faith in mediation.

(4) If the certified driver bargaining organization and the covered TNCs reach a recommended sectoral agreement for the industry through mediation, the approval process described in subdivision (c) shall apply.

(5) Communications and documents exchanged pursuant to mediation shall be inadmissible in any official, regulatory, or judicial proceeding, consistent with Chapter 2 (commencing with Section 1115) of Division 9 of the Evidence Code.

(e) (1) Within 30 days after a dispute has been referred to mediation, the parties shall select a prospective arbitrator to resolve the dispute if mediation is unsuccessful. If the parties have not agreed upon an arbitrator

within 30 days, the covered TNCs and the certified driver bargaining organization each shall propose three arbitrators to the board and the board shall propose three arbitrators from the American Arbitration Association roster who have at least 10 years of experience conducting labor arbitrations in California, have interest arbitration experience, and are members of the National Academy of Arbitrators. The certified driver bargaining organization and the covered TNCs shall select an arbitrator within seven days of receipt of the combined list from the board. The parties may mutually select an arbitrator who is not on the list. If the parties cannot agree on an arbitrator, each side shall alternatively strike from the list one of the names until an arbitrator is chosen by process of elimination. The board shall determine by lot which side shall strike first. If either side refuses to propose arbitrators for the list or to participate in selecting an arbitrator within 15 days following receipt of the list from the board, the board shall appoint the arbitrator from the original list proposed by the board.

(2) If the mediator is unable to achieve agreement between the parties concerning an appropriate resolution within 75 days of appointment of the mediator or within 60 days after the first meeting of the parties with the mediator, whichever occurs first, either the certified driver bargaining organization or the covered TNCs may petition the board to refer the dispute for resolution through arbitration. The parties may also jointly file a petition requesting referral of the dispute to arbitration at any time after the commencement of bargaining. Upon a filing of such a petition, the board shall refer the dispute to the arbitrator for resolution.

(3) (A) The arbitrator shall hold hearings on all matters related to the dispute. The parties may be heard and represented by counsel or by other representatives, as the parties may designate. The arbitrator shall determine the order of presentation by the parties and shall have discretion and authority to decide all procedural issues that may be raised. At the mutual request of the parties, the arbitrator may meet directly with the parties to attempt to mediate the dispute.

(B) The TNCs and the certified driver bargaining organization shall each be responsible for 50 percent of the cost of the arbitrator or mediator. The board shall have the authority to apportion costs among TNCs based on market share if the TNCs cannot agree to apportion costs among themselves.

(C) The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and arguments of their respective positions.

(D) The arbitrator shall have the authority to require the production of additional oral or written evidence from the parties. The arbitrator shall provide, at the request of either party, that a full and complete record be kept of any hearings, with the cost of the record borne by the requesting party. If such a record is created, it shall be shared with all parties, regardless of the party that paid for it.

(E) Within 90 days of the first meeting of the parties with the arbitrator or 105 days after appointment of the arbitrator, whichever occurs first, the arbitrator shall make a just and reasonable determination of the matters in

dispute, and shall issue a recommended sectoral agreement that resolves all disputed issues. The time period for the arbitration proceedings may be extended by the arbitrator upon good cause shown, or by agreement, by the parties.

(F) In issuing a recommended sectoral agreement, the arbitrator shall specify the basis for their findings, taking into consideration the following factors:

- (i) The positions of the parties.
- (ii) The conditions of similar workers.
- (iii) Whether the terms of the recommended agreement achieve the policy goals set forth in Section 7470.1, including, but not limited to, the improvement of working conditions and the improvement or provision for the prompt resolution of disputes between covered TNCs and TNC drivers.
- (iv) If the covered TNCs claim an inability to pay for the certified driver bargaining organization's demands, the financial ability of the covered TNCs to pay for the requirements set forth in the recommended agreement.
- (v) The impact of the recommended agreement on the delivery of services provided by TNCs.
- (vi) Whether the recommended agreement would have a discriminatory impact on smaller TNCs or new entrants to the industry.
- (vii) Any other factors recommended by the parties that the arbitrator finds to be consistent with this chapter.

(G) The sectoral agreement recommended by the arbitrator shall contain all of the following:

- (i) Terms on which the parties have mutually agreed.
- (ii) Binding recommendations on all minimum subjects set forth in subdivision (a) of Section 7470.13 that have not been waived.
- (iii) Nonbinding recommendations on all other matters submitted for dispute resolution within the scope of representation.

(H) After receipt of the recommended sectoral agreement, the covered TNCs shall have 10 days to notify the certified driver bargaining organization as to whether the covered TNCs accept the recommended sectoral agreement in its entirety, including the nonbinding recommendations. If the covered TNCs accept the recommended sectoral agreement in its entirety, the recommended sectoral agreement shall be submitted to the board for review and approval or disapproval.

(I) The certified driver bargaining organization and the covered TNCs may also mutually agree to modify the recommended sectoral agreement and submit a modified sectoral agreement, in whole, to the board for review and approval or disapproval within 15 days after receiving the recommended sectoral agreement.

(J) (i) If, within 10 days of receiving the recommended sectoral agreement, the covered TNCs have not accepted the recommended sectoral agreement, and within 15 days of receiving the sectoral agreement the parties have not agreed upon a modified sectoral agreement, the certified driver bargaining organization may, within 20 days of receiving the recommended sectoral agreement, submit the proposed sectoral agreement without the

nonbinding recommendations to the board for review and approval. Notwithstanding the submission of the modified sectoral agreement for approval, or the approval of the modified sectoral agreement, the parties shall have a duty to continue to bargain in good faith to reach agreement on the subjects addressed by the nonbinding recommendations.

(ii) If the certified driver bargaining organization does not elect to submit a proposed sectoral agreement to the board pursuant to clause (i), the parties shall have a duty to continue to bargain in good faith over the items in dispute to reach agreement on a new sectoral agreement for submission to the board.

(iii) The certified driver bargaining organization and the covered TNCs may, at any time, mutually submit a new proposed sectoral agreement to the board for review and approval or disapproval, and such an agreement may include modifications to any of the terms of the binding recommendations.

(K) The time periods set forth in this section may be extended by mutual agreement of the certified driver bargaining organization and the covered TNCs.

(L) For purposes of this section, any decision or action by the covered TNCs means a decision or action approved by covered TNCs that includes at least 80 percent of the industry measured by rideshare volume on the most recent quarterly report filed with the board and that includes at least the two largest covered TNCs.

(f) Following an initial sectoral agreement, all subsequent negotiations for all subsequent agreements shall begin at least 180 days before the current agreement expires. For all subsequent agreements, either the covered TNCs or the certified driver bargaining organization may, at any time after 180 days after the commencement of negotiations, petition the board to refer the parties to mediation. Except as provided in this subdivision, the timelines and procedures for mediation and arbitration for subsequent agreements shall be as provided in this section. The terms of a sectoral agreement shall remain in effect, including, but not limited to, any grievance and arbitration provisions and any provisions governing the deduction and transmittal of membership dues, until a new agreement is approved by the board.

(g) For purposes of this section, any decision is binding on all covered TNCs if approved by covered TNCs that include at least 80 percent of the industry, as measured by rideshare volume on the most recent quarterly report filed with the board, and that include at least the two largest covered TNCs.

7470.15. (a) A TNC that was not a covered TNC when a sectoral agreement took effect but whose rideshare volume in a later quarter brings it within the 95-percent threshold identified in Section 7470.5 shall become a covered TNC, and therefore bound by all terms of the sectoral agreement immediately, unless exempted pursuant to subdivision (c).

(b) A TNC that becomes a covered TNC pursuant to this section shall remain a covered TNC for the remaining term of the sectoral agreement.

(c) (1) If a TNC that would otherwise become a covered TNC under subdivision (a) obtains a preliminary injunction, final court order, or other legal or regulatory order that exempts such covered TNC from any provision of the sectoral agreement, that TNC shall not be bound by the enjoined provision, pending final resolution of the litigation, or the resolution of emergency negotiations as provided in this section, whichever is earlier. All other provisions of the agreement shall continue to apply to all covered TNCs.

(2) Within three business days of receiving notice of such injunction or order, the board shall convene the certified driver bargaining organization and all covered TNCs for emergency negotiations aimed solely at revising the provision or provisions deemed unlawful as applied to the objecting TNC. Emergency negotiations under this subdivision shall neither reopen nor impair any agreement terms not directly related to the provision or provisions held unlawful.

(3) Any agreement reached under this subdivision must be approved by covered TNCs that include at least 80 percent of the industry measured by rideshare volume on the most recent quarterly report filed with the board and that include at least the two largest covered TNCs, unless the 80-percent requirement is itself adjudged unlawful as to any covered TNC, in which case the revised provision shall require the unanimous agreement of all covered TNCs.

(4) Any agreement resulting from emergency negotiations must be reviewed and approved or disapproved by the board, in accordance with the requirements of Section 7470.17, within 14 calendar days after the end of emergency negotiations.

(5) If emergency negotiations do not produce an agreement approved by the necessary parties for submission to the board within 30 days, either the certified driver bargaining organization or any nonobjecting TNC may rescind the sectoral agreement by notifying the board within 10 days of the expiration of the 30-day period. Upon rescission of the sectoral agreement, the certified driver bargaining organization and all covered TNCs shall have a duty to bargain in good faith for a new sectoral agreement pursuant to Section 7470.10. If neither the certified driver bargaining organization nor any nonobjecting TNC rescinds the sectoral agreement, the sectoral agreement shall remain in effect except for any provision or provisions deemed unlawful as applied to the objecting TNC.

(6) If a sectoral agreement is rescinded pursuant to paragraph (5), the certified driver bargaining organization and any covered TNC or group of covered TNCs may enter into an agreement consistent with Section 7470.13 that shall be effective until a new sectoral agreement is approved. That agreement shall be submitted to the board for approval or disapproval pursuant to Section 7470.17 but, upon approval by the board, such an agreement shall only be effective as to the TNCs that have approved the agreement.

7470.16. (a) When a sectoral agreement is in effect, any TNC that is not a covered TNC for purposes of Section 7470.5 may choose to become

bound to the sectoral agreement by providing written notice to the board, the certified driver bargaining organization, and the covered TNCs. A TNC that chooses to become bound to a sectoral agreement pursuant to this section shall be bound for the remaining term of the agreement. Such a TNC shall not, on account of its exercise of the option provided by this section, become a covered TNC for purposes of negotiation of subsequent sectoral agreements or coverage by subsequent sectoral agreements.

(b) It shall be unlawful for any TNC that is not a covered TNC nor voluntarily bound by the terms of the sectoral agreement as provided by this section to make any statement, advertisement, or imply in any official communication that such TNC is bound by the terms of the sectoral agreement.

(c) During the time that a noncovered TNC is bound by the terms of the sectoral agreement pursuant to this section, the certified driver bargaining organization shall represent the TNC drivers who drive for the noncovered TNC for purposes of this chapter. The noncovered TNC shall have the same obligations as a covered TNC to provide information to the board necessary to administer this chapter and to provide information to the certified driver bargaining organization necessary for representation of the TNC drivers.

7470.17. (a) After a sectoral agreement has been approved by the parties or recommended by an arbitrator, the agreement shall be submitted to the board for approval or disapproval.

(b) The general counsel of the board shall review the proposed agreement to determine whether:

(1) The agreement addresses the mandatory subjects established in subdivision (a) of Section 7470.13 that were not mutually waived.

(2) The agreement does not contain any terms prohibited by subdivision (c) of Section 7470.13.

(3) The agreement advances the public policy goals stated in Section 7470.1.

(4) The agreement will not have anticompetitive effects on the industry beyond those contemplated by this act.

(5) The agreement was the product of fair, arm's-length negotiation or arbitration under the procedures of this chapter.

(c) The general counsel has the right to gather and consider any necessary additional evidence, including by requesting additional information from the certified driver bargaining organization and the covered TNC, to review the proposed agreement.

(d) The general counsel shall issue a recommended determination as to whether the agreement should be approved or disapproved. If the general counsel recommends that the agreement be disapproved, the general counsel shall provide reasons for the disapproval and identify any provisions that the general counsel determined were not consistent with the standards in subdivision (b). If the general counsel recommends approval of the agreement, the general counsel shall provide a written opinion identifying the reasons for the approval. Absent good cause, the general counsel shall

issue the determination within 60 days of receipt of the recommended agreement.

(e) The general counsel's recommendation shall be served on the board and the parties to the agreement. Within 21 days of the general counsel's recommendation, the board shall issue a final order that approves or disapproves the agreement.

(f) If a final order of the board disapproves of the proposed sectoral agreement, the certified driver bargaining organization and covered TNCs shall bargain in good faith to reach agreement on a revised sectoral agreement for submission to the board. If the proposed sectoral agreement was recommended by an arbitrator or modified by the parties after an arbitrator recommended a sectoral agreement, either the certified driver bargaining organization or the covered TNCs may request that the board remand the matter to the arbitrator for resolution of any disputes and the issuance of a revised recommended sectoral agreement for submission to the board. A revised agreement shall be submitted to the board for review pursuant to this section.

(g) (1) If the proposed sectoral agreement includes binding terms that were recommended by an arbitrator and not mutually accepted by the certified driver bargaining organization and covered TNCs, the general counsel shall recommend disapproval of the proposed agreement if a party demonstrates that the arbitrator's recommendations were procured by corruption, fraud, or other undue means, there was corruption by the arbitrator, the rights of the party were substantially prejudiced by the misconduct of the arbitrator, or the arbitrator's recommendation was arbitrary or capricious in light of the record. Absent good cause, the general counsel shall issue the determination within 60 days of receipt of the recommended agreement.

(2) The general counsel's recommendation pursuant to this subdivision shall be served on the board and the parties to the agreement. Within 21 days of the general counsel's recommendation, the board shall issue a final order that approves or disapproves the agreement.

(3) If a final order of the board disapproves a proposed agreement pursuant to this subdivision, the parties shall bargain in good faith to reach agreement on a sectoral agreement for submission to the board. Either side may request that the board conduct a new process to select a new arbitrator and refer the parties to arbitration pursuant to Section 7470.14.

(h) Upon approval of a sectoral agreement by the final order of the board, the agreement shall be final and binding on the certified driver bargaining organization and the TNC drivers it represents and on all covered TNCs. The terms of the agreement shall thereby become enforceable commitments for each covered TNC to implement with respect to TNC drivers. Each covered TNC shall adhere to the terms as minimum standards for all TNC drivers using its platform in the state for the duration of the agreement. In the event of any conflict between an approved sectoral agreement and a term of service or contract between an individual TNC driver and a covered TNC, the sectoral agreement shall prevail for covered matters, except that

nothing in the sectoral agreement shall reduce rights or benefits already secured by law or individual contract.

(i) During the term of a sectoral agreement, the agreement may be reopened, amended, or modified by mutual agreement of the certified driver bargaining organization and the covered TNCs. Any such amendments or modifications must be submitted to the board for approval or disapproval pursuant to this section and shall become effective only upon approval of the board.

(j) For purposes of this section, any decision or action by the covered TNCs means a decision or action approved by covered TNCs that includes at least 80 percent of the industry measured by rideshare volume on the most recent quarterly report filed with the board and that includes at least the two largest covered TNCs.

7470.18. (a) It shall be an unfair practice for a TNC, an agent of a TNC, or a multicompany committee to do any of the following:

(1) Fail or refuse to provide the board with a list containing the information required by subdivision (a) of Section 7470.6 or subdivision (c) of Section 7470.9 or any other information required by this act, or knowingly provide an inaccurate list or inaccurate information.

(2) Fail or refuse to negotiate in good faith with a certified driver bargaining organization, as required by this act.

(3) Fail or refuse to provide a certified driver bargaining organization with information required by the organization that is relevant and necessary in discharging its representational duties or in exercising its right to represent TNC drivers regarding terms and conditions of work within the scope of representation, as established in this act.

(4) Dominate or interfere with the formation, existence, or administration of any TNC driver organization, or contribute financial or other support to any such organization, whether directly or indirectly, unless required by this act or other law, by any regulations implementing this act or other law, or as a result of a sectoral agreement approved by the board, including, but not limited to, by doing any of the following:

(A) Participating or assisting in, supervising, or controlling the initiation or creation of any such organization or the meetings, management, operation, elections, or formulation or amendment of the organization's constitution, rules, or policies.

(B) Offering incentives to TNC drivers to join any such organization.

(C) Donating free services, equipment, materials, offices, meeting space, or anything else of value for use by any such organization, unless those items have been negotiated as a benefit or service for TNC drivers in a sectoral agreement approved by the board. However, a covered TNC may permit TNC drivers to perform representational work protected under this act during working hours without loss of time or may allow agents of a certified driver bargaining organization to meet with drivers on its premises or communicate with TNC drivers using the covered TNC's platform.

(5) Require a TNC driver to join any company union or TNC driver organization or requiring a TNC driver to refrain from forming, joining, or assisting a TNC driver organization of their choice.

(6) Encourage or discourage membership in any company union or in any TNC driver organization by discriminating with regard to any term or condition of work.

(7) Discharge, deactivate, or otherwise discriminate with regard to the ability of a TNC driver to obtain rides, or otherwise discriminate against a TNC driver, because they have signed or filed any affidavit, petition, or complaint under this chapter, have given any information or testimony under this chapter, have participated or declined to participate in a TNC driver organization, or have exercised any rights under this chapter.

(8) Distribute or circulate any blacklist of individuals exercising any right created or confirmed by this chapter or of members of a TNC driver organization, or inform any person of the exercise by any individual of that right or of the membership of any individual of a TNC driver organization for the purpose of preventing those blacklisted or named individuals from obtaining or retaining opportunities for remuneration.

(9) Interfere with, restrain, or coerce TNC drivers in the exercise of rights guaranteed by Section 7470.3 or in any other way violate this chapter.

(b) It shall be an unfair practice for a TNC driver organization or its agents to do any of the following:

(1) Restrain or coerce either of the following:

(A) TNC drivers in the exercise of rights guaranteed in Section 7470.3. This subparagraph shall not impair the right of a TNC driver organization or certified driver bargaining organization to prescribe its own rules with respect to the acquisition or retention of membership therein or with respect to TNC drivers' financial contributions to a TNC driver organization or a certified driver bargaining organization.

(B) A covered TNC or multicompany committee in its selection of representatives for purposes of bargaining or the adjustment of grievances.

(2) Cause or attempt to cause a TNC or its agent or representative to violate subdivision (a).

(3) Fail or refuse to negotiate in good faith with a covered TNC or multicompany committee as required by this chapter, provided it is the certified driver bargaining organization.

(4) Fail or refuse to provide information requested by a covered TNC or its representative that is relevant and necessary for purposes of bargaining regarding terms and conditions of work within the scope of representation, as established by this chapter, provided that it is the certified driver bargaining organization.

(5) Fail or refuse to fulfill its duty of fair representation toward TNC drivers where it is the certified driver bargaining organization by acts or omissions that are arbitrary, discriminatory, or in bad faith.

(c) The unfair practice procedures in Chapter 1 (commencing with Section 31001) of Division 3 of Title 8 of the California Code of Regulations shall

apply for purposes of this chapter, except to the extent that the board has adopted procedures specific to this act.

(d) A party filing an unfair practice charge under this section may petition the board to seek injunctive relief on behalf of the charging party, pending a decision on the merits of the charge by the board. The board may also petition the appropriate superior court for that relief in accordance with Section 3563 of the Government Code or any regulation adopted thereunder.

7470.19. Any meeting of a mediator or arbitrator with any party or group or both parties or groups to the negotiations process and the mediation and arbitration processes set forth in Section 7470.14 is exempt from the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

7470.20. The provisions of this chapter are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The people of the State of California hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid.

7470.21. The board may also adopt, amend, or repeal all rules and regulations necessary to carry out this chapter as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption, amendment, or repeal of regulations pursuant to this chapter shall be deemed necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

SEC. 2. Section 7927.710 is added to the Government Code, immediately following Section 7927.705, to read:

7927.710. (a) Notwithstanding any other provision of this division to the contrary, information regarding transportation network company drivers, as defined by Section 7470.2 of the Business and Professions Code, that is submitted to the Public Employment Relations Board pursuant to the Transportation Network Company Driver Labor Relations Act (Chapter 10.7 (commencing with Section 7470) of Division 3 of the Business and Professions Code), is not subject to public disclosure pursuant to this division and shall not be disclosed by public officials except as provided by other state or federal law.

(b) This section does not prohibit or limit the disclosure of information otherwise required to be disclosed under the Transportation Network Company Driver Labor Relations Act (Chapter 10.7 (commencing with Section 7470) of Division 3 of the Business and Professions Code) to an

officer or employee of a public agency when necessary for the performance of the officer's or employee's official duties.

SEC. 3. The Legislature finds and declares that Sections 1 and 2 of this act, which add Chapter 10.7 (commencing with Section 7470) to Division 3 of the Business and Professions Code and Section 7927.710 to the Government Code, respectively, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act strikes a balance between disclosing relevant information to the public while protecting the privacy interests of individual transportation company network drivers subject to the act.