

FIRST REGULAR SESSION

HOUSE BILL NO. 764

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARSHALL.

1617H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 387, RSMo, by adding thereto nine new sections relating to transportation network companies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 387, RSMo, is amended by adding thereto nine new sections, to be known as sections 387.700, 387.702, 387.706, 387.714, 387.716, 387.720, 387.730, 387.732, and 387.734, to read as follows:

387.700. As used in sections 387.700 to 387.734 the following terms mean:

(1) "Department", the Missouri department of revenue;

(2) "Digital network", any online-enabled technology application, website, or system offered or utilized by a transportation network company (TNC) that enables the prearrangement of rides with TNC drivers;

(3) "Prearranged ride", the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the TNC driver transports a requesting rider, and ending when the last requesting rider departs from the TNC vehicle. A prearranged ride shall not include:

(a) Transportation provided using a taxi, limousine, or other for-hire vehicle under chapter 390; or

(b) A shared expense carpool or vanpool arrangement or service;

(4) "Transportation network company" or "TNC", a corporation, partnership, sole proprietorship, or other entity that is licensed under sections 387.700 to 387.734 and operating in the state of Missouri, that uses a digital network to connect TNC riders to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 TNC drivers who provide prearranged rides. A TNC shall not be deemed to own, control,
18 direct, operate, or manage the TNC vehicles or TNC drivers that connect to its digital
19 network, except where agreed to by written contract;

20 (5) "Transportation network company (TNC) driver" or "driver", an individual
21 who:

22 (a) Receives connections to potential riders from a TNC in exchange for payment
23 of a fee to the TNC; and

24 (b) Uses a TNC vehicle to offer or provide a prearranged Ride to riders upon
25 connection through a digital network controlled by a TNC in return for compensation;

26 (6) "Transportation network company (TNC) rider" or "rider", an individual or
27 persons who use a TNC's digital network to connect with a TNC driver who provides
28 prearranged rides to the rider in the TNC driver's TNC vehicle between points chosen by
29 the rider;

30 (7) "Transportation network company (TNC) vehicle" or "TNC vehicle", a vehicle
31 that is used by a TNC driver and is:

32 (a) Owned, leased, or otherwise authorized for use by the TNC driver; and

33 (b) Not a taxicab, limousine, or for-hire vehicle under chapter 390.

387.702. Notwithstanding any other provision of law, TNCs or TNC drivers shall
2 not be considered common carriers; contract carriers; or motor carriers, as defined in
3 section 390.020; a taxicab, as defined in section 390.020, a taxicab service or association,
4 or a for-hire vehicle service. A TNC driver shall not be required to register the vehicle
5 such driver uses to provide prearranged rides as a commercial or for-hire vehicle.

387.706. A TNC shall maintain an agent for service of process in the state of
2 Missouri.

387.714. 1. All TNC drivers shall be independent contractors and not employees
2 of the TNC if all of the following conditions are met:

3 (1) The TNC does not prescribe specific hours during which a TNC driver must be
4 logged into the TNC's digital network;

5 (2) The TNC imposes no restrictions on the TNC driver's ability to utilize digital
6 networks from other TNCs; and

7 (3) The TNC does not restrict a TNC driver from engaging in any other occupation
8 or business.

9 2. The TNC and TNC driver may agree in writing that the driver is an employee
10 and not an independent contractor with respect to the TNC.

387.716. Except when agreed to by written contract, a TNC driver is not an agent
2 of a TNC.

2 **387.720. A TNC driver shall not be required to obtain any other state or local**
3 **license or permit to provide prearranged rides.**

2 **387.730. Notwithstanding any other provision of law, TNCs and TNC drivers are**
3 **governed exclusively by sections 387.700 to 387.734. No municipality or other local or state**
4 **entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used**
5 **by a TNC driver. Upon the enactment of this section, any municipality or other local**
6 **entity's ordinance or policy that is inconsistent with sections 387.700 to 387.734 shall be**
 void and shall have no force or effect.

2 **387.732. Transportation network companies shall not be considered employers of**
3 **TNC drivers for purposes of chapters 285, 287, 288, and 290, except when agreed to by**
4 **written contract. If the parties agree to the application of one or more of these laws in a**
5 **written contract, the transportation network company shall notify the appropriate agency**
6 **of the election to cover the driver. If the parties subsequently change this election, the TNC**
 shall notify the appropriate agency of the change.

2 **387.734. Notwithstanding any other provision of law, sections 67.1800 to 67.1822**
3 **shall not apply to transportation network companies, transportation network drivers, or**
4 **transportation network services.**

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