

SS#2 SCS HCS HB 130 -- TRANSPORTATION NETWORK COMPANIES

This bill outlines the new regulatory treatment of transportation network companies (TNCs).

The bill provides that TNCs and TNC drivers are not common carriers, contract carriers, motor carriers, taxicab services or associations, or for-hire vehicle services. TNC drivers need not register their vehicles as commercial or for-hire.

This bill further provides that, beginning April 28, 2018, a TNC must apply for an annual license from the Department of Revenue to do business within the State of Missouri, and maintain the insurance coverage requirements.

The bill allows TNCs to charge fares, but the TNC must disclose the fare or fare structure on its website or digital network. If the fare is based on actual time and distance traveled, the TNC on its website shall also provide riders the applicable rates being charged and the option to receive an estimated fare before the rider enters the vehicle.

The TNC's digital network shall display a picture of the TNC driver and the license plate number of the vehicle before the rider enters the vehicle. The TNC must provide a detailed electronic receipt to the rider within a reasonable time following a trip.

Except as they relate to a 501(c)(3) nonprofit, state or local government entity, or federally-recognized Indian tribe, TNC drivers shall be independent contractors and not employees under certain circumstances. TNC drivers are not agents of the TNC unless agreed to in writing.

TNCs must adopt a zero tolerance policy toward drivers using intoxicating substances. This bill also requires an investigation into any complaints regarding violations of such policy and maintenance of related records.

TNCs are required to notify drivers they may have a contractual obligation to include the TNC as a loss payee on their insurance policy, and drivers are required to take any steps necessary to satisfy the requirements of their insurance contracts.

This bill prescribes driver eligibility requirements, including background checks and registration with the TNC. Vehicles used by TNC drivers must meet Missouri's motor vehicle safety inspection requirements. TNC drivers, taxicab drivers, and persons performing food delivery services shall not be required to obtain a class of Missouri driver's license other than class F. TNCs shall remove

drivers from their platform if they are determined to have committed certain crimes or if their insurance policy is no longer in effect.

TNC drivers shall not solicit or accept street hails. TNCs shall adopt nondiscrimination policies with respect to riders, shall notify drivers of such policy, and may not discriminate against TNC drivers in a way prohibited by the Missouri or United States Constitutions.

TNCs are prohibited from misleading riders or potential riders, including law enforcement, as to how many vehicles are available to provide rides. TNCs shall not use geographic location or geolocation data to exclude service to areas on the basis of such area's income, racial, or ethnic composition. TNCs are subject to fines and license suspension for violations as provided in the bill.

TNCs shall maintain individual trip records of riders for one year following each trip, and individual records of TNC drivers for one year following the end of the TNC's relationship with the driver. TNCs shall adopt a privacy policy to protect the personal information of TNC riders.

This bill provides that it is the sole body of law governing TNCs and TNC drivers, and provides that the Department of Revenue may promulgate rules to administer the provisions. Income taxes imposed by the state and earnings taxes are not preempted by this bill. Airport owners or operators may establish operating procedures and may charge reasonable fees for passenger drop-off and pick-up or for use of their facilities.

This bill authorizes Kansas City and the Saint Louis Regional Taxicab Commission to audit a TNC, no more than twice a year, to ensure compliance with the provisions of this bill. Each licensed TNC may be charged for the costs of the audit, not to exceed \$5,000 per year. If any violations are discovered, the TNC can be fined up to \$500 per violation by the appropriate entity.

If a TNC learns that a TNC driver has been convicted of an offense that would preclude the driver from being eligible as a TNC driver under this bill, the TNC shall immediately revoke the driver's ability to accept trip requests and notify the Department of Revenue. A TNC shall also report to the department any TNC driver involved in a traffic accident or incident that resulted in serious bodily injury or fatality. The department shall have to implement a process to provide such information to all other TNCs in this state.

This bill provides that the statutes relating to the Saint Louis Regional Taxicab District shall not apply to TNCs, TNC drivers, or TNC services. It also removes the requirement that the Saint Louis Regional Taxicab Commission incorporate fingerprints into their criminal record check procedures.