

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 214, Page 14, Section 288.034, Line 315,
2 by inserting after all of said section and line the following:

3
4 "387.400. As used in sections 387.400 to 387.440, the following terms mean:

5 (1) "Delivery network company" or "DNC", a business entity that maintains an online-
6 enabled application or platform used to facilitate on-demand delivery services within Missouri.
7 Delivery services are on-demand when a DNC driver is given the option to accept or decline each
8 delivery request and the DNC may not terminate the contract of the app-based driver for not
9 accepting a specific delivery service request;

10 (2) "Delivery network company driver (DNC) driver", a person who provides delivery
11 services through a DNC's online-enabled application or platform;

12 (3) "Delivery services", the fulfillment of a delivery request. A delivery request includes
13 retrieving from any location any item or items and the delivery of the item or items to a location
14 selected by a customer located within fifty miles from where the item or items were retrieved from.
15 Delivery services may be performed using a passenger vehicle, bicycle, scooter, public
16 transportation, or similar means of transportation. Delivery services may also be performed on foot.
17 Delivery services may include the selection, collection, or purchase of items by a DNC driver, as
18 well as other tasks incidental to a delivery. Delivery services include the selection, collection, or
19 purchase of items by a DNC driver when those tasks are done in connection with a delivery the
20 DNC driver has agreed to deliver. Delivery services shall not include any services requiring the use
21 of a vehicle weighing in excess of six thousand pounds;

22 [~~1~~] (4) "Department", the Missouri department of revenue;

23 [~~2~~] (5) "Digital network", any online-enabled technology application, website, or system
24 offered or utilized by a transportation network company or delivery network company that enables
25 the prearrangement of rides with transportation network company drivers or that enables delivery
26 services with delivery network company drivers;

27 [~~3~~] (6) "Prearranged ride", the provision of transportation by a TNC driver to a rider,
28 beginning when a TNC driver accepts a ride requested by a rider through a digital network
29 controlled by a transportation network company, continuing while the TNC driver transports a
30 requesting rider, and ending when the last requesting rider departs from the TNC vehicle. A
31 prearranged ride shall not include:

32 (a) Transportation provided using a taxi, limousine, or other for-hire vehicle under chapter
33 390; or

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

35 [~~4~~] (7) "Transportation network company" or "TNC", a corporation, partnership, sole
36 proprietorship, or other entity that is licensed pursuant to sections 387.400 to 387.440 and operating

Action Taken _____ Date _____

1 in the state of Missouri, that uses a digital network to connect TNC riders to TNC drivers who
 2 provide prearranged rides. A TNC shall not be deemed to own, control, direct, operate, or manage
 3 the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by
 4 written contract;

5 ~~[(5)]~~ (8) "Transportation network company (TNC) driver" or "driver", an individual who:

6 (a) Receives connections to potential riders from a transportation network company in
 7 exchange for payment of a fee to the transportation network company; and

8 (b) Uses a TNC vehicle to offer or provide a prearranged ride to riders upon connection
 9 through a digital network controlled by a transportation network company in return for
 10 compensation;

11 ~~[(6)]~~ (9) "Transportation network company (TNC) rider" or "rider", an individual or persons
 12 who use a TNC's digital network to connect with a TNC driver who provides prearranged rides to
 13 the rider in the TNC driver's TNC vehicle between points chosen by the rider;

14 ~~[(7)]~~ (10) "Transportation network company (TNC) vehicle" or "TNC vehicle", a vehicle
 15 that is used by a transportation network company driver and is:

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

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

18 387.414. Except as provided in section 387.433, all TNC and DNC drivers shall be
 19 independent contractors and not employees of the TNC or DNC if all of the following conditions are
 20 met:

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

23 (2) The TNC or DNC imposes no restrictions on the TNC or DNC driver's ability to utilize
 24 digital networks from other TNCs or DNCs;

25 (3) The TNC or DNC does not restrict a TNC or DNC driver from engaging in any other
 26 occupation or business; and

27 (4) The TNC or DNC and TNC or DNC driver agree in writing that the driver is an
 28 independent contractor with respect to the TNC or DNC."; and
 29

30 Further amend said bill by amending the title, enacting clause, and intersectional references
 31 accordingly.