

ENGROSSED

Senate Bill No. 585

(By Senators Trump, Beach, Carmichael, Ferns,
Gaunch, Karnes, Kirkendoll, Leonhardt,
Maynard, Miller, Nohe, Palumbo,
Romano, Snyder, Williams and Woelfel)

[Originating in the Committee on
the Judiciary;
reported March 2, 2015.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, §17H-1-16, §17H-1-17, §17H-1-18, §17H-2-1, §17H-2-2, §17H-2-3, §17H-2-4, §17H-2-5, §17H-2-6, §17H-2-7, §17H-2-8, §17H-2-9, §17H-2-10, §17H-2-11, §17H-2-12, §17H-2-13, §17H-2-14, §17H-2-15, §17H-2-16, §17H-2-17 and §17H-2-18, all relating to regulation of transportation network companies and regulation of taxicab companies; defining terms; establishing a permit and permit fee; establishing requirements relating to insurance, disclosures, transportation network companies and its drivers, safety and records; limiting controlling authority; and permitting Commissioner of the Division of Motor Vehicles to propose rules for legislative approval; exempting taxicab companies from the regulatory jurisdiction of Public Service Commission; establishing a permit and permit fee;

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establishing requirements relating to insurance, disclosures, taxicab companies and its drivers, safety and records; limiting controlling authority; and permitting Commissioner of the Division of Motor Vehicles to propose rules for legislative approval.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new chapter, designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, §17H-1-16, §17H-1-17, §17H-1-18, §17H-2-1, §17H-2-2, §17H-2-3, §17H-2-4, §17H-2-5, §17H-2-6, §17H-2-7, §17H-2-8, §17H-2-9, §17H-2-10, §17H-2-11, §17H-2-12, §17H-2-13, §17H-2-14, §17H-2-15, §17H-2-16, §17H-2-17 and §17H-2-18, all to read as follows:

CHAPTER 17H. TRANSPORTATION NETWORK AND TAXICAB COMPANIES.

ARTICLE 1. REGULATION OF TRANSPORTATION NETWORK COMPANIES.

§17H-1-1. Definitions.

1 As used in this article:

2 (a) “Transportation network company” or “TNC” means an entity licensed pursuant to
3 this article and operating in West Virginia that uses a digital network or software application
4 service to connect passengers to transportation network company services provided by
5 transportation network company drivers. A TNC is not deemed to own, control, operate or
6 manage the vehicles used by TNC drivers and is not a taxicab company or a for-hire vehicle
7 owner.

8 (b) “Transportation network company (TNC) driver” means an individual who operates a

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1 motor vehicle that is:

2 (1) Owned, leased or otherwise authorized for use by the individual;

3 (2) Not a taxicab; and

4 (3) Used to provide transportation network company services.

5 (c) “Transportation network company (TNC) service” means transportation of a

6 passenger between points chosen by the passenger and prearranged with a TNC driver through

7 the use of a TNC digital network or software application. TNC services begin when a TNC

8 driver accepts a request for transportation received through the TNC’s digital network or

9 software application service, continue while the TNC driver transports the passenger in the TNC

10 driver’s vehicle and end when the passenger exits the TNC driver’s vehicle. TNC service is not a

11 taxicab or street hail service.

12 **§17H-1-2. Exemption from Public Service Commission regulation.**

13 TNCs or TNC drivers are not common carriers by motor vehicle or contract carriers by

14 motor vehicle, or motor carriers, as defined in section two, article one, chapter twenty-four-a of

15 this code, nor do they provide taxicab service. It is the express intent of this Legislature to

16 exclude and exempt TNCs and TNC drivers from regulation of the Public Service Commission.

17 **§17H-1-3. TNC permit required; permit fee; and use of fees.**

18 (a) A person may not operate a TNC in West Virginia without first having obtained a

19 permit from the Division of Motor Vehicles pursuant to this article.

20 (b) The Division of Motor Vehicles shall issue a permit to each applicant that meets the

21 requirements for a TNC set forth in this article and has paid an annual permit fee of \$5,000 to the

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1 Division of Motor Vehicles. Any fees collected under the provisions of this article shall be
2 deposited into the Motor Vehicle Fees Fund established in accordance with section twenty-one,
3 article two, chapter seventeen-a of this code. The Division of Motor Vehicles shall use the fees
4 collected for the payment of the costs and expenses necessary for the administration of this
5 article.

6 **§17H-1-4. Agent.**

7 A TNC shall maintain an agent for service of process in the state of West Virginia.

8 **§17H-1-5. Fare charged for services.**

9 A TNC may charge a fare for the TNC services provided to passengers: *Provided*, That if
10 a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website
11 or within the software application service. The TNC shall also provide passengers with the
12 applicable rates being charged and the option to receive an estimated fare before the passenger
13 enters the TNC driver's vehicle.

14 **§17H-1-6. Identification of TNC vehicles and drivers.**

15 The TNC's software application or website shall display a picture of the TNC driver, and
16 the license plate number of the motor vehicle to be used for providing the TNC service before the
17 passenger enters the TNC driver's vehicle.

18 **§17H-1-7. Electronic receipt.**

19 Within a reasonable period of time following the completion of a trip, a TNC shall
20 transmit an electronic receipt to the passenger that lists:

21 (a) The origin and destination of the trip;

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1 (b) The total time and distance of the trip; and

2 (c) An itemization of the total fare paid, if any.

3 **§17H-1-8. TNC and TNC driver insurance requirements.**

4 (a) TNCs and TNC drivers shall comply with the automobile liability insurance
5 requirements of this section.

6 (b) The following automobile liability insurance requirements apply during the time that a
7 TNC driver is logged into the TNC's digital network and available to receive requests for
8 transportation, but is not providing TNC services:

9 (1) Primary automobile insurance recognizes that the driver is a transportation network
10 company driver and covers the driver's provision of TNC services while the driver is logged into
11 the TNC's digital network.

12 (2) The primary automobile liability insurance required in subdivision (1) of this
13 subsection shall meet at least the minimum coverage requirements of section two, article four,
14 chapter seventeen-d and subsection (b), section thirty-one, article six, chapter thirty-three, both of
15 this code: *Provided*, That the minimum coverage shall not be less than the amount of \$50,000
16 because of bodily injury to or death of one person in any one accident, and, subject to said limit
17 for one person, in the amount of \$100,000 because of bodily injury to or death of two or more
18 persons in any one accident, and in the amount of \$25,000 because of injury to or destruction of
19 property of others in any one accident.

20 (3) The automobile liability insurance required in subsection (b) of this section may be
21 satisfied by any of the following:

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- 1 (A) Automobile liability insurance maintained by the TNC driver; or
- 2 (B) Automobile liability insurance maintained by the TNC; or
- 3 (C) Any combination of subparagraphs (A) and (B).
- 4 (c) While a TNC driver is providing TNC services, the TNC shall:
- 5 (1) Provide primary automobile liability insurance that recognizes the TNC driver's
- 6 provision of TNC services;
- 7 (2) Provide automobile liability insurance of at least \$1 million for death, personal injury
- 8 and property damage;
- 9 (3) Provide uninsured motorist coverage as required by subsection (b), section thirty-one,
- 10 article six, chapter thirty-three of this code;
- 11 (4) The coverage requirements of this subsection may be satisfied by any of the
- 12 following:
- 13 (A) Automobile liability insurance maintained by the TNC driver; or
- 14 (B) Automobile liability insurance maintained by the TNC; or
- 15 (C) Any combination of paragraphs (A) and (B).
- 16 (d) In every instance where insurance maintained by a TNC driver to fulfill the insurance
- 17 requirements of this section has lapsed, failed to provide the required coverage, denied a claim
- 18 for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall
- 19 provide the coverage required by this section beginning with the first dollar of a claim.
- 20 (e) Insurance required by this section may be placed with an insurer authorized to do
- 21 business in this state or with a surplus lines insurer eligible under section five, article twelve-c,

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1 chapter thirty-
2 three of this code.

3 (f) Insurance required by this section satisfies the financial responsibility requirement for
4 a motor vehicle under article four, chapter seventeen-d of this code.

5 **§17H-1-9. TNC and insurer disclosure requirements.**

6 (a) The TNC shall disclose in writing to TNC drivers the following before they are
7 allowed to accept a request for TNC services on the TNC's digital network:

8 (1) The insurance coverage and limits of liability that the TNC provides while the TNC
9 driver uses a personal vehicle in connection with a TNC's digital network;

10 (2) That the TNC driver's own insurance policy, depending on its terms, may not provide
11 coverage while the TNC driver uses a vehicle in connection with a TNC's digital network; and

12 (3) That the TNC driver should identify each vehicle used to provide TNC services to his
13 or her insurer.

14 (b) In a claims coverage investigation, the TNC's insurer and any insurer providing
15 coverage under this section shall cooperate to facilitate the exchange of information, including
16 the precise times that a TNC driver logged on and off of the TNC's digital network in the 24-hour
17 period immediately preceding the accident and disclose to one another a clear description of the
18 coverage, exclusions and limits provided under any insurance policy each party issued or
19 maintained.

20 **§17H-1-10. Zero tolerance for drug or alcohol use.**

21 (a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while

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1 a TNC driver is providing TNC services or is logged into the TNC's digital network but is not
2 providing TNC services, and shall provide notice of this policy on its website. The website shall
3 set forth procedures to report a complaint about a driver with whom a passenger was matched
4 and whom the passenger reasonably suspects was under the influence of drugs or alcohol during
5 the course of the trip.

6 (b) Upon receipt of a passenger complaint alleging a violation of the zero tolerance
7 policy, the TNC shall immediately suspend the TNC driver's access to the TNC's digital
8 platform, and shall conduct an investigation into the reported incident. The suspension shall last
9 the duration of the investigation.

10 (c) The TNC shall maintain records relevant to the enforcement of this requirement for a
11 period of at least two years from the date that a passenger complaint is received by the TNC.

12 **§17H-1-11. TNC driver requirements.**

13 (a) Prior to permitting an individual to act as a TNC driver on its digital platform, the
14 TNC shall:

15 (1) Require the individual to submit an application to the TNC, which includes
16 information regarding his or her address, age, driver's license, driving history, motor vehicle
17 registration, automobile liability insurance and other information required by the TNC;

18 (2) Conduct, or have a third party conduct, a local and national criminal background
19 check for each applicant that shall include review of a:

20 (A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial
21 nationwide database with validation (primary source search); and

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1 (B) National Sex Offender Registry database;

2 (3) Obtain and review a driving history research report for the applicant.

3 (b) The TNC shall deny the application an individual to act as a TNC driver on its digital
4 platform who:

5 (1) Has had more than three moving violations in the prior three-year period, or one major
6 violation in the prior three-year period, including, but not limited to, attempting to evade the
7 police, reckless driving or driving on a suspended or revoked license;

8 (2) Has been convicted, within the past seven years, of driving under the influence of
9 drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime
10 involving property damage, theft, acts of violence or acts of terror;

11 (3) Is a match in the National Sex Offender Registry database;

12 (4) Does not possess a valid driver's license;

13 (5) Does not possess proof of registration for the motor vehicles used to provide TNC
14 services;

15 (6) Does not possess proof of automobile liability insurance for the motor vehicles used
16 to provide TNC services; or

17 (7) Is not at least nineteen years of age.

18 **§17H-1-12. Vehicle safety.**

19 The TNC shall require that any motor vehicle that a TNC driver will use to provide TNC
20 services meets the inspection requirements of section four, article sixteen, chapter seventeen-c of
21 this code or the inspection requirements of the state in which the motor vehicle is registered.

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1 **§17H-1-13. Street hails prohibited.**

2 A TNC driver shall exclusively accept rides booked through a TNC’s digital network or
3 software application service and may not solicit or accept street hails.

4 **§17H-1-14. No cash trips.**

5 The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments
6 from passengers and notify TNC drivers of the policy. TNC drivers may not solicit or accept
7 cash payments from passengers. Any payment for TNC services shall be made only
8 electronically using the TNC’s digital network or software application.

9 **§17H-1-15. No discrimination; accessibility.**

10 (a) The TNC shall adopt a policy of nondiscrimination on the basis of destination, race,
11 color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or
12 gender identity with respect to passengers and potential passengers and notify TNC drivers of the
13 policy.

14 (b) TNC drivers shall comply with all applicable laws regarding nondiscrimination
15 against passengers or potential passengers on the basis of destination, race, color, national origin,
16 religious belief or affiliation, sex, disability, age, sexual orientation or gender identity.

17 (c) TNC drivers shall comply with all applicable laws relating to accommodation of
18 service animals.

19 (d) A TNC shall not impose additional charges for providing TNC services to persons
20 with physical disabilities because of those disabilities.

21 (e) A TNC shall provide passengers an opportunity to indicate that they require a

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1 wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in
2 any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible
3 service, if available.

4 **§17H-1-16. Records.**

5 A TNC shall maintain:

6 (a) Individual trip records for at least one year from the date each trip was provided; and

7 (b) TNC driver records at least until the one-year anniversary of the date on which a TNC
8 driver's activation on the TNC digital network has ended.

9 **§17H-1-17. Personally identifiable information.**

10 A TNC may not disclose a passenger's personally identifiable information to a third party
11 unless: The passenger consents, disclosure is required by a legal obligation, disclosure is
12 required to protect or defend the terms of use of the TNC service or to investigate violations of
13 those terms. A TNC may also share a passenger's name and telephone number with the TNC
14 driver providing TNC services to the passenger in order to facilitate correct identification of the
15 passenger by the TNC driver or to facilitate communication between the passenger and the TNC
16 driver.

17 **§17H-1-18. Rules; controlling authority.**

18 The Commissioner of the Division of Motor Vehicles may propose rules for legislative
19 approval in accordance with the provisions of article three, chapter twenty-nine-a of this code
20 relating to the implementation and exercise of the authority granted by this article and the
21 oversight of TNCs and TNC drivers. Notwithstanding any other provision of law, TNCs and

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1 TNC drivers are governed exclusively by this article and any rules promulgated by the Division
2 of Motor Vehicles consistent with this article. A municipality or other local entity may not
3 impose a tax on, or require a license for, a TNC or TNC driver or subject a TNC to the
4 municipality or other local entity's rate, entry, operational or other requirements.

5 **ARTICLE 2. TAXICAB COMPANIES.**

6 **§17H-2-1. Definitions.**

7 As used in this article:

8 (a) "Taxicab" means a motor vehicle equipped with at least (3) doors and having a seating
9 capacity of less than 15 passengers.

10 (b) "Taxicab company" means an entity licensed pursuant to this article and operating in
11 West Virginia that uses a dispatch system, hail system, digital network or software application
12 service or any other means to connect passengers to taxicab services provided by taxicab drivers
13 or individual taxicab drivers. A taxicab company is not a transportation network company,
14 pursuant to chapter seventeen-h of this code.

15 (c) "Taxicab driver" or "TD" means an individual who operates a motor vehicle that is
16 owned or leased by the taxicab company.

17 (d) "Individual taxicab driver" or "ITD" means an individual operating his own vehicle in
18 connection with a taxicab company's dispatch system, hail system, digital network or software
19 application service.

20 (e) "Taxicab service" means transportation of a passenger between points chosen by the
21 passenger and arranged with a TD or ITD through the use of a taxicab company dispatch system,

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1 hail system, digital network or software application. Taxicab services begin when a TD or ITD
2 accepts a request for transportation received through the taxicab company's dispatch system, hail
3 system, digital network or software application service, continue while the TD or ITD transports
4 the passenger in the TD's or ITD's vehicle, and end when the passenger exits the TD's or ITD's
5 vehicle. Taxicab service does not include transportation network service under this chapter.

6 **§17H-2-2. Exemption from Public Service Commission regulation.**

7 On the effective date of this article, notwithstanding any other provisions of the laws of
8 the state of West Virginia to the contrary, no taxicab company or taxicab service is subject to
9 Public Service Commission jurisdiction under this code and is not subject to Public Service
10 Commission motor carrier rules.

11 **§17H-2-3. Taxicab company permit required; permit fee.**

12 (a) A person may not operate a taxicab company in West Virginia without first having
13 obtained a permit from the Division of Motor Vehicles pursuant to this article.

14 (b) The Division of Motor Vehicles shall issue a permit to each applicant that meets the
15 requirements for a taxicab company set forth in this article and has paid an annual permit fee of
16 \$5,000 to the Division of Motor Vehicles. Any fees collected under the provisions of this article
17 shall be deposited into the Motor Vehicle Fees Fund established in accordance with section
18 twenty-one, article two, chapter seventeen-a of this code. Fees collected shall be used by the
19 Division of Motor Vehicles for the payment of the costs and expenses necessary for the
20 administration of this article.

21 **§17H-2-4. Agent.**

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1 A taxicab company shall maintain an agent for service of process in the State of West
2 Virginia.

3 **§17H-2-5. Fare charged for services.**

4 A taxicab company may charge a fare for the taxicab services provided to passengers:
5 *Provided*, That if a fare is charged, the taxicab company shall disclose to passengers the fare
6 calculation method on its website or within the software application service. The taxicab
7 company shall also provide passengers with the applicable rates being charged and the option to
8 receive an estimated fare before the passenger enters the TD's or ITD's vehicle.

9 **§17H-2-6. Identification of taxicab company vehicles and drivers.**

10 The taxicab company's software application or website shall display a picture of the TD
11 or ITD and the license plate number of the motor vehicle utilized for providing the taxicab
12 service before the passenger enters the TD's or ITD's vehicle when the passenger books a trip
13 using a software system.

14 **§17H-2-7. Electronic receipt.**

15 When a passenger uses a software system, within a reasonable period of time following
16 the completion of a trip, a taxicab company shall transmit an electronic receipt to the passenger
17 that lists:

- 18 (a) The origin and destination of the trip;
- 19 (b) The total time and distance of the trip; and
- 20 (c) An itemization of the total fare paid, if any.

21 **§17H-2-8. Insurance requirements for taxicab company and TD and ITD.**

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1 (a) Taxicab company and TDs and ITDs shall comply with the automobile liability
2 insurance requirements of this section.

3 (b) The following automobile liability insurance requirements apply during the time that
4 an ITD is using his or her personal vehicle and logged into the taxicab company's digital network
5 and available to receive requests for transportation, but is not providing taxicab services.

6 (1) Primary automobile insurance recognizes that the driver is an ITD and covers the
7 driver's provision of TNC services while the driver is logged into the taxicab service's digital
8 network.

9 (2) The primary automobile liability insurance required in subdivision (1) of this
10 subsection shall meet at least the minimum coverage requirements of section two, article four,
11 chapter seventeen-d and subsection (b), section thirty-one, article six, chapter thirty-three, both of
12 this code: *Provided*, That the minimum coverage shall not be less than the amount of \$50,000
13 because of bodily injury to or death of one person in any one accident, and, subject to said limit
14 for one person, in the amount of \$100,000 because of bodily injury to or death of two or more
15 persons in any one accident, and in the amount of \$25,000 because of injury to or destruction of
16 property of others in any one accident.

17 (3) The automobile liability insurance required in subdivision (1) of this subsection may
18 be satisfied by any of the following:

19 (A) Automobile liability insurance maintained by the TD or ITD; or

20 (B) Automobile liability insurance maintained by the taxicab company; or

21 (C) Any combination of paragraphs (A) and (B) of this subdivision.

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1 (c) While an ITD is providing taxicab services while using his or her personal vehicle, the
2 taxicab company shall:

3 (1) Provide primary automobile liability insurance that recognizes the ITD's provision of
4 taxicab services;

5 (2) Provide automobile liability insurance of at least \$1 million for death, personal injury
6 and property damage;

7 (3) Provide uninsured motorist coverage as required by subsection (b), section thirty-one,
8 article six, chapter thirty-three of this code;

9 (4) The coverage requirements of this subsection may be satisfied by any of the
10 following:

11 (A) Automobile liability insurance maintained by the ITD; or

12 (B) Automobile liability insurance maintained by the taxicab company; or

13 (C) Any combination of paragraphs (A) and (B) of this subdivision.

14 (d) In every instance where insurance maintained by the ITD to fulfill the insurance
15 requirements of this section has lapsed, failed to provide the required coverage, denied a claim
16 for the required coverage or otherwise ceased to exist, insurance maintained by a taxicab
17 company shall provide the coverage required by this section beginning with the first dollar of a
18 claim.

19 (e) The following automobile liability insurance requirements apply at all times for
20 taxicabs owned or leased by taxicab companies:

21 (1) A minimum of \$100,000 limit for bodily injuries to or death of one person;

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1 (2) A minimum of \$200,000 limit for bodily injuries to or death of all persons injured or
2 killed in any one accident;

3 (3) A minimum of \$25,000 limit for loss or damage in any one accident to property of
4 others (excluding cargo).

5 (f) Insurance required by this section may be placed with an insurer authorized to do
6 business in this state or with a surplus lines insurer eligible under section five, article twelve-c,
7 chapter thirty-three of this code.

8 (g) Insurance required by this section satisfies the financial responsibility requirement for
9 a motor vehicle under article four, chapter seventeen-d of this code.

10 **§17H-2-9. Taxicab company and insurer disclosure requirements.**

11 (a) The taxicab company shall disclose in writing to ITDs the following before they are
12 allowed to accept a request for taxicab services on the taxicab company's digital network:

13 (1) The insurance coverage and limits of liability that the taxicab company provides while
14 the ITD uses a personal vehicle in connection with a taxicab company's digital network;

15 (2) That the ITD's own insurance policy may not provide coverage while the ITD uses a
16 personal vehicle in connection with a taxicab company's digital network depending on its terms;

17 and

18 (3) That the ITD should identify each vehicle used to provide taxicab services to his or
19 her insurer.

20 (b) In a claims coverage investigation, taxicab company's and any insurer providing
21 coverage under this section shall cooperate to facilitate the exchange of information, including

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1 the precise times that a TD or ITD logged on and off of the taxicab company's digital network in
2 the 24-hour period immediately preceding the accident and disclose to one another a clear
3 description of the coverage, exclusions and limits provided under any insurance policy each party
4 issued or maintained.

5 **§17H-2-10. Zero tolerance for drug or alcohol use.**

6 (a) The taxicab company shall implement a zero tolerance policy on the use of drugs or
7 alcohol while a TD or ITD is providing taxicab services or is logged into the taxicab company's
8 digital network but is not providing taxicab services and shall provide notice of this policy on its
9 website, as well as procedures to report a complaint about a driver with whom a passenger was
10 matched and whom the passenger reasonably suspects was under the influence of drugs or
11 alcohol during the course of the trip.

12 (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance
13 policy, the taxicab company shall immediately suspend such TD's or ITD's access to the taxicab
14 company's digital platform and shall conduct an investigation into the reported incident. The
15 suspension shall last the duration of the investigation.

16 (c) The taxicab company shall maintain records relevant to the enforcement of this
17 requirement for a period of at least two years from the date that a passenger complaint is received
18 by the taxicab company.

19 **§17H-2-11. Taxicab driver and individual taxicab driver requirements.**

20 (a) Prior to permitting an individual to act as a TD or ITD on its dispatch system, hail
21 system or digital platform, the taxicab company shall:

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1 (1) Require the individual to submit an application to the taxicab company, which
2 includes information regarding his or her address, age, driver's license, driving history, motor
3 vehicle registration, automobile liability insurance and other information required by the taxicab
4 company;

5 (2) Conduct, or have a third party conduct, a local and national criminal background
6 check for each applicant that shall include review of a:

7 (A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial
8 nationwide database with validation (primary source search); and

9 (B) National Sex Offender Registry database;

10 (3) Obtain and review a driving history research report for such individual.

11 (b) The taxicab company may not permit an individual to act as a TD or ITD on its digital
12 platform who:

13 (1) Has had more than three moving violations in the prior three-year period, or one major
14 violation in the prior three-year period, including, but not limited to, attempting to evade the
15 police, reckless driving or driving on a suspended or revoked license;

16 (2) Has been convicted, within the past seven years, of driving under the influence of
17 drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime
18 involving property damage, and/or theft, acts of violence or acts of terror;

19 (3) Is a match in the National Sex Offender Registry database;

20 (4) Does not possess a valid driver's license;

21 (5) Does not possess proof of registration for the motor vehicle(s) used to provide taxicab

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1 services;

2 (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used
3 to provide taxicab services; or

4 (7) Is not at least nineteen years of age.

5 **§17H-2-12. Vehicle safety and emissions.**

6 The taxicab company shall require that any motor vehicle that a TD or ITD will use to
7 provide taxicab services meets the inspection requirements of section four, article sixteen,
8 chapter seventeen-c of this code or the inspection requirements of the state in which the motor
9 vehicle is registered.

10 **§17H-2-13. Street hails.**

11 An ITD driver shall exclusively accept rides booked through a taxicab company's
12 dispatch system, hail system or digital platform and may not solicit or accept street hails. Only
13 TDs may solicit or accept street hails.

14 **§17H-2-14. Cash trips.**

15 TDs and ITDs may solicit or accept cash payments from passengers.

16 **§17H-2-15. No discrimination; accessibility.**

17 (a) The taxicab company shall adopt a policy of nondiscrimination on the basis of
18 destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual
19 orientation or gender identity with respect to passengers and potential passengers and notify TDs
20 and ITDs of such policy.

21 (b) TDs and ITDs shall comply with all applicable laws regarding nondiscrimination

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1 against passengers or potential passengers on the basis of destination, race, color, national origin,
2 religious belief or affiliation, sex, disability, age, sexual orientation or gender identity.

3 (c) TDs and ITDs shall comply with all applicable laws relating to accommodation of
4 service animals.

5 (d) A taxicab company shall not impose additional charges for providing taxicab services
6 to persons with physical disabilities because of those disabilities.

7 (e) A taxicab company shall provide passengers an opportunity to indicate whether they
8 require a wheelchair-accessible vehicle. If a taxicab company cannot arrange
9 wheelchair-accessible taxicab service in any instance, it shall direct the passenger to an alternate
10 provider of wheelchair-accessible service, if available.

11 **§17H-2-16. Records.**

12 A taxicab company shall maintain:

13 (a) Individual trip records for at least one year from the date each trip was provided; and

14 (b) TD or ITD records at least until the one-year anniversary of the date on which a TD's
15 or ITD's activation on the taxicab company digital network has ended.

16 **§17H-2-17. Personally identifiable information.**

17 A taxicab company may not disclose a passenger's personally identifiable information to
18 a third party unless: The passenger consents, disclosure is required by a legal obligation,
19 disclosure is required to protect or defend the terms of use of the taxicab service or to investigate
20 violations of those terms. In addition to the foregoing, a taxicab company is permitted to share a
21 passenger's name and/or telephone number with the TD or ITD providing taxicab services to

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1 such passenger in order to facilitate correct identification of the passenger by the TD or ITD or to
2 facilitate communication between the passenger and the TD or ITD.

3 **§17H-2-18. Rules; controlling authority.**

4 The Commissioner of the Division of Motor Vehicles may propose rules for legislative
5 approval in accordance with the provisions of article three, chapter twenty-nine-a of this code
6 relating to the implementation and exercise of the authority granted by this article and the
7 oversight of taxicab companies and TDs or ITDs. Notwithstanding any other provision of law,
8 taxicab companies and TDs or ITDs are governed exclusively by this article and any rules
9 promulgated by the Division of Motor Vehicles consistent with this article. No municipality or
10 other local entity may impose a tax on, or require a license for, a taxicab company or TD or ITD
11 or subject a taxicab company to the municipality or other local entity's rate, entry, operational or
12 other requirements.