

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 553

BY SENATORS BOSO AND CLINE

[Introduced February 15, 2018; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §17-6-3 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §17-29-13 of said code; and to amend said code by adding thereto a new
 3 section, designated §17A-2-26, all relating to requiring federal fingerprint background
 4 checks for transportation network company drivers and taxi drivers; providing that the
 5 background check reports for transportation network company drivers be shared with the
 6 Division of Motor Vehicles; providing that the background check reports for taxi cab drivers
 7 be shared with the Public Service Commission; requiring complaints against transportation
 8 network companies or their drivers be investigated by the Division of Motor Vehicles; and
 9 requiring rulemaking.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 6. LICENSES.

§17-6-3. Certificate of convenience for public transportation vehicles -- When required; vehicles engaged in interstate commerce.

1 No motor vehicle shall be operated over any public road, highway, street, or alley in this
 2 state, for public transportation of passengers or property, or both, for compensation until the
 3 owner or operator of such vehicle shall first have made application to and secured from the State
 4 Road Commissioner a permit or certificate of convenience to operate such vehicle. Such
 5 classification shall include public livery vehicles, cars for hire or for rent, taxicabs, bus lines, truck
 6 lines, and any other public transportation of passengers or property for compensation, without
 7 regard to whether such operation is between fixed termini or over regular routes or otherwise.

8 The State Road Commissioner may also grant certificates of convenience and necessity
 9 and permits for the transportation of persons or property, or both, for compensation in interstate
 10 commerce and regulate such interstate commerce under the authority of and in accordance with
 11 the provisions of any statute that has been or hereafter may be enacted by the Congress of the

12 United States, vesting in or delegating to the State Road Commissioner of West Virginia the
13 authority, as an agency of the United States government, so to grant such certificates and permits,
14 and so to regulate such commerce. If the Legislature shall by statute transfer from the State Road
15 Commissioner to any other commission, board, or officer, the authority to grant certificates of
16 convenience and permits and to regulate intrastate transportation of persons or property, or both,
17 for compensation, then the authority herein granted shall vest in such other commission, board,
18 or officer. The State Road Commissioner, or such other commission, board, or officer, as the case
19 may be, is hereby authorized to notify the proper department of the federal government of his or
20 her or its assent to conform to the requirements, conditions, and obligations of said statute of the
21 Congress in regard to interstate commerce by motor vehicles.

22 Each taxi cab company shall have federal fingerprint background checks performed on all
23 taxi drivers and shall share those reports with the Public Service Commission.

ARTICLE 29. TRANSPORTATION NETWORK COMPANIES.

§17-29-13. Transportation network company driver requirements.

1 (a) Before allowing an individual to accept trip requests through a transportation network
2 company's digital platform:

3 (1) The individual shall submit an application to the transportation network company, which
4 includes information regarding his or her address, age, driver's license, motor vehicle registration,
5 automobile liability insurance, and other information required by the transportation network
6 company;

7 (2) The transportation network company shall conduct, or have a third party conduct, a
8 local and national criminal background check for each applicant that shall include:

9 (A) Multistate/multijurisdictional criminal records locator or other similar commercial
10 nationwide database with validation (primary source search); and

11 (B) National Sex Offender Registry database.

12 (3) The transportation network company shall review, or have a third party review, a driving

13 history research report for such individual; and

14 (4) The transportation network company shall perform a federal fingerprint background
15 check on each applicant and driver and shall share those reports with the Division of Motor
16 Vehicles.

17 (b) The transportation network company shall not permit an individual to act as a
18 transportation network company driver on its digital network who:

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

22 (2) Has been convicted, within the past seven years, of any felony or misdemeanor, driving
23 under the influence, reckless driving, hit and run, or any misdemeanor violent offense or sexual
24 offense, or more than three misdemeanors of any kind;

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

26 (4) Does not possess a valid driver’s license;

27 (5) Does not possess proof of registration for the motor vehicle(s) used to provide
28 prearranged rides;

29 (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used
30 to provide prearranged rides; or

31 (7) Is not at least 19 years of age.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-26. Complaints against transportation network companies.

1 The division is hereby authorized, directed and empowered to investigate all complaints
2 against transportation network companies and their drivers. The commissioner shall propose

- 3 rules for legislative approval in accordance with §29A-3-1 et seq. of this code to implement this
4 section.

NOTE: The purpose of this bill is to require federal fingerprint background checks for transportation network company drivers and taxi drivers. The bill provides that the reports of transportation network company drivers are to be shared with the Division of Motor Vehicles. The bill provides that the reports of the taxi cab drivers are to be shared with the Public Service Commission. The bill requires complaints against transportation network companies or their drivers be investigated by the Division of Motor Vehicles. The bill requires rulemaking.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.