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SENATE BILL NO. 1348

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 20 of Title 46.2 a section numbered 46.2-2099.54, relating to transportation network companies; disclosure requirements; deactivation process; data report.

Patrons—Srinivasan, Hashmi and Salim

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 20 of Title 46.2 a section numbered 46.2-2099.54 as follows:

§ 46.2-2099.54. Required disclosures to TNC partners; deactivation process; data report.

A. For the purposes of this section, "deactivation process" or "deactivation" means conduct that a transportation network company engages in to materially restrict a TNC partner's access to the digital platform, including blocking access to the digital platform, suspending a TNC partner, or changing a TNC partner's status from eligible to ineligible to provide transportation services for the transportation network company.

B. A transportation network company shall maintain a written plain-language deactivation policy that provides the policies and procedures for the deactivation process. The transportation network company shall make such deactivation policy available online, through the digital platform. Updates or changes to the policy shall be provided to TNC partners at least 48 hours before they become effective.

Such deactivation policy shall (i) state that the activation policy is enforceable as a term of the transportation network company's contract with a TNC partner; (ii) provide TNC partners with a reasonable understanding of the circumstances that constitute a violation that may warrant deactivation under the deactivation policy and indicate the consequences known, including the specific number of days or range of days for a deactivation if applicable; (iii) describe fair and reasonable procedures for notifying a TNC partner of a deactivation and the reason for the deactivation; (iv) describe fair, objective, and reasonable procedures and eligibility criteria for the reconsideration of a deactivation decision and the process by which a TNC partner may request a deactivation appeal with the transportation network company; (v) be specific enough for a TNC partner to understand what constitutes a violation of the policy and how to avoid violating the policy; (vi) clearly define "serious misconduct"; (vii) provide an opportunity and process to appeal the deactivation, which shall include the right to the support of an advocate or attorney and the use of a third party to assist with such process; (viii) provide the TNC partner with such opportunity to initiate the appeals process within 30 calendar days of receipt of written notice of deactivation; and (ix) provide that within 24 hours of a determination that the TNC partner did not violate the deactivation policy or that the TNC partner remedied any violation of the deactivation policy, the TNC partner's account shall be reactivated.

C. A transportation network company shall provide written notice of deactivation, in the default language that the TNC partner has selected in the digital platform, at the time of deactivation. For deactivations based on serious misconduct, such notice shall be provided within three days of deactivation.

Such written notice shall include (i) the reason for deactivation; (ii) the anticipated length of the deactivation, if known; (iii) the date on which the deactivation started; (iv) an explanation of whether or not the deactivation can be reversed and clear steps the TNC partner may take to reverse a deactivation; (v) instructions for a TNC partner to challenge the deactivation and information on their rights under the appeals process; (vi) notice that the TNC partner has a right to assistance and information on how to contact a driver advocacy group to assist in the deactivation appeal process, including the telephone number and website information for at least one driver advocacy group; and (vii) a warning to a TNC partner if the TNC partner's behavior could result in a future deactivation, except if such behavior constituted serious misconduct.

Such written notice shall be transmitted at least through the digital platform and any other mechanism that remains accessible to the TNC partner for at least one year.

D. A transportation network company shall, at the time of offering a trip to a TNC partner for acceptance, electronically disclose to the TNC partner (i) the distance and cardinal or intercardinal direction from the TNC partner's location to the passenger's destination, or the destination of the last passenger dropped off for shared trips; (ii) before any tip is added, the total amount of money that the transportation network company shall pay the TNC partner for the trip; (iii) the total amount of money that the customer paid for the trip before any tip was added; (iv) the total amount of money paid to the TNC partner for the trip before any tip

59 was added; and (v) the amount of any tip.

60 E. Once every six months, a transportation network company shall provide a data report to TNC partners.
61 Such data report shall include, for the preceding six-month period, (i) the number of deactivations; (ii) the
62 number of deactivation appeals that were requested, that occurred, that resulted in reactivation, and that
63 resulted in confirmation of deactivation; (iii) the demographic information, including gender and gender
64 identity and the default language the TNC partner selected in the digital platform, when available, of each
65 deactivation and appealed deactivation. Such data report shall also include, from a representative sample of
66 data collected, based on random sampling methodology selected by the transportation network company and
67 performing any necessary redactions necessary to protect a TNC partner's identity, all data collected for
68 details of a trip, compensation and tip information, and associated digital platform use by the passenger and
69 TNC partner.