

HOUSE BILL NO. 1270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute—Delegate Singh)

A BILL to amend and reenact § 46.2-2099.53 of the Code of Virginia and 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; publishing and disclosure requirements.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-2099.53 of the Code of Virginia is amended and reenacted and 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:

§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.

A. Records maintained by a transportation network company shall be adequate to confirm compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall at a minimum include:

1. True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC partner;

2. True and accurate results of the driving history research report for each individual that the transportation network company authorizes to act as a TNC partner;

3. Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program;

4. True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC partner;

5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of § 46.2-2099.50;

6. Proof of compliance with the notice and disclosure requirements of subsection D of § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and

7. Proof that the transportation network company obtained certification from the TNC partner that the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

A transportation network company shall retain all records required under this subsection for a period of three years. Such records shall be retained in a manner that permits systematic retrieval and shall be made available to the Department in a format acceptable to the Commissioner for the purposes of conducting an audit on no more than an annual basis.

B. A transportation network company shall maintain the following records and make them available, in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and resolve a complaint or respond to an incident:

1. Data regarding TNC partner activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride;

2. Records regarding any actions taken against a TNC partner;

3. Contracts or agreements between the transportation network company and its TNC partners;

4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and driver's license number and the state issuing the license; and

5. Information identifying each TNC partner vehicle the transportation network company has authorized, including the vehicle's make, model, model year, vehicle identification number, and license plate number and the state issuing the license plate.

Requests for information pursuant to subdivision 2 or 3 shall be in writing.

C. Information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall be considered privileged information and shall only be used by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and operators for purposes specified in subsection A or B. Such information shall not be subject to disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires such information for the purposes specified in subsection A or B.

D. Except as provided in subsection C, information obtained by the Department, law-enforcement officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall not be disclosed to anyone without the transportation network company's

express written permission and shall not be subject to disclosure through a court order or through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such information directly from a transportation network company during a court proceeding.

E. Except as required under this section, a transportation network company shall not disclose any personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

1. The transportation network company obtains the user's consent to disclose the personal information;
2. The disclosure is necessary to comply with a legal obligation; or
3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to information about the user that is not personal information as defined in § 2.2-3801.

F. A transportation network company shall issue a confidential annual report to the Commissioner containing the aggregate data regarding the average fare collected from passengers, the total time driven by TNC partners while transporting a passenger, and the total amount earned by TNC partners in connection with prearranged rides in the Commonwealth.

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

A. For the purposes of this section:

"Deactivation process" means conduct that a transportation network company engages in to permanently remove a TNC partner's access to the digital platform, including blocking access to the digital platform or changing a TNC partner's status from eligible to ineligible to provide transportation services for the transportation network company.

"Fare" means the total amount actually paid by the consumer in a transaction.

B. A transportation network company shall disclose to TNC partners information about the transportation network company's deactivation process for TNC partners. Transportation network companies shall (i) provide TNC partners with a reasonable understanding of the circumstances that constitute a violation that may warrant deactivation under the deactivation process; (ii) maintain a policy that is specific enough for a TNC partner to understand what constitutes a violation of the policy and how to avoid violating the policy; (iii) clearly define "serious misconduct" that could result in permanent deactivation from the platform; (iv) establish that any funds remaining in a deactivated TNC partner's account shall be deposited to the TNC partner within five business days of such deactivation, subject to exceptions for misuse of the transportation

92 network company's digital platform, provided such exceptions are clearly stated in the transportation
93 network company's deactivation process; (v) describe procedures and eligibility criteria for the
94 reconsideration of a deactivation decision and the process by which a TNC partner may request a
95 deactivation appeal with the transportation network company, if any; (vi) provide the ability for a TNC
96 partner to communicate with a representative of such transportation network company during the
97 deactivation appeals and reactivation process; and (vii) provide that within 72 hours of a determination that
98 the TNC partner did not violate the deactivation policy or that the TNC partner remedied any violation of the
99 deactivation policy, the TNC partner's account shall be reactivated unless the TNC partner fails to meet
100 another eligibility or legal requirement, in which event the TNC partner shall be immediately informed of all
101 further action necessary for reactivation.

102 C. A transportation network company shall provide each TNC partner with a weekly summary via
103 website, email, or the associated digital platform that includes the total fare collected from passengers, the
104 total amount earned, and the percentage earned by such TNC partner that week. A transportation network
105 company may include in the weekly summary any additional information the company considers appropriate,
106 and may combine amounts earned by a TNC partner for prearranged rides with other amounts earned on a
107 transportation network company's digital platform by that TNC partner such as for delivery services,
108 provided that the weekly summary separately states the amount earned from each category of service.

109 D. Within 24 hours following the completion of a ride, the transportation network company shall provide
110 the TNC partner that completed such ride with an itemized receipt of such ride accessible on the application
111 used to accept and complete rides. Such receipt shall include (i) the total amount paid by the passenger, (ii)
112 all fees actually applied to the trip, (iii) the portion of the fare paid to the driver, and (iv) the tip amount, if
113 any. Such receipt may only be updated to (a) account for a tip sent by the passenger through the application
114 subsequent to the initial publishing of the receipt or (b) fix an error in the original receipt.

115 2. That the provisions of this act shall become effective on January 1, 2027.