HOUSE BILL NO. 1273
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Transportation
on _____)
(Patron Prior to Substitute—Delegate Glass)

A BILL to amend and reenact §§ 46.2-2099.48 and 46.2-2099.49 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; requirements; civil penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-2099.48 and 46.2-2099.49 of the Code of Virginia are 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:

§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partner.

A. A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not provide transportation in any other manner. A TNC partner shall not solicit, accept, or arrange transportation except through a transportation network company's digital platform or through a TNC broker.

B. A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform, unless:

1. The ride is booked by a transit system, with a transportation network company with which it has a contract, on behalf of an eligible paratransit passenger;

2. The fare is a defined amount, as published by the transit system, and is communicated to the passenger in advance;

3. The transportation network company specifically authorizes over the digital network the TNC partner to collect cash for the fare, and that authorization includes the amount to be collected. The transportation

network company's digital platform shall provide the TNC partner with a method to acknowledge receipt of the fare when it is collected;

4. The passenger receives a receipt for the fare paid; and

5. The transit system receives a receipt and full accounting of cash fares monthly, or on demand, through the transportation network company's account dashboard.

C. A transportation network company with knowledge that a TNC partner has violated the provisions of subsection A or B shall remove the TNC partner from the transportation network company's digital platform for at least one year.

D. A transportation network company shall publish the following information on its public website and associated digital platform:

1. The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;

2. Information about its TNC partner screening criteria, including a description of the offenses that the transportation network company will regard as grounds for disqualifying an individual from acting as a TNC partner;

3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;

4. Information about the company's training and testing policies for TNC partners;

5. Information about the company's standards for TNC partner vehicles; and

6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

E. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated with a TNC partner by the transportation network company. The transportation network company shall arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by the transportation network company.

F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and each in-force

personal automobile insurance policy covering the vehicle. The TNC partner shall present such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner and operator, an official of the Washington Metropolitan Area Transit Commission, or any person involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation network company shall require the TNC partner's compliance with the provisions of this subsection.

G. *Prior to the activation of a TNC partner's account, and periodically thereafter, a transportation network company shall require such TNC partner to verify his identity through the digital platform.* Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall provide through the digital platform to the person prearranging the ride the first name and a photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the TNC partner vehicle.

H. A transportation network company shall provide to each of its TNC partners a credential, which may be displayed as part of the digital platform, that includes the following information:

1. The name or logo of the transportation network company;

2. The name and a photograph of the TNC partner; and

3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC partner and the state issuing each such license plate.

The TNC partner shall carry the credential at all times during the operation of a TNC partner vehicle and shall present the credential upon request to law-enforcement officers, airport owners and operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The transportation network company shall require the TNC partner's compliance with this subsection.

I. A transportation network company and its TNC partner shall, at all times during a prearranged ride, make the following information available through its digital platform immediately upon request to representatives of the Department, to law-enforcement officers, to officials of the Washington Metropolitan Area Transit Commission, and to airport owners and operators:

1. The name of the transportation network company;

2. The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company;

3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and

4. The location, date, and approximate time that each passenger was or will be picked up.

J. Upon completion of a prearranged ride, a transportation network company shall transmit to the person who prearranged the ride an electronic receipt that includes:

1. A map of the route taken;

2. The date and the times the trip began and ended;

3. The total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride;

4. The TNC partner's first name and photograph; and

5. Contact information by which additional support may be obtained.

K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers.

A transportation network company shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

A transportation network company shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

TNC partners shall comply with all applicable laws relating to accommodation of service animals.

A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.

A TNC partner shall immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.

L. No transportation network company or TNC partner shall conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport. The Department may take action against a transportation network company that violates any regulation of an airport owner and operator, including the suspension or

revocation of the transportation network company's certificate.

M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.

N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13 hours in any 24-hour period.

O. A transportation network company shall ensure that a rider has the option to opt in to audio recording of each prearranged ride and that TNC partners have the option to opt in to audio and video recording of each prearranged ride, provided that a transportation network company that makes a good faith effort to provide audio or video recording pursuant to this subsection be held harmless for any failure of the technology to record a prearranged ride.

P. No TNC partner shall (i) intentionally use another individual's account or credential or permit another individual to use his account or credential on the transportation network company's digital platform or (ii) knowingly provide false information in the creation of an account or credential for purposes of creating a fake account.

§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.

A. Before authorizing an individual to act as a TNC partner, a transportation network company shall confirm that the person is at least 21 years old and possesses a valid driver's license.

B. 1. Before authorizing an individual to act as a TNC partner, and at least once every ~~two years~~ *year* after authorizing an individual to act as a TNC partner, a transportation network company shall obtain a national criminal history records check of that person. The background check shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) ~~and~~, (ii) a search of the Sex Offender and Crimes Against Minors Registry and the ~~U.S. Department of Justice's~~ *Dru Sjodin* National Sex Offender Public Website*, and (iii) a search for pending criminal charges or convictions for violations of protective orders in cases of abuse or restraining orders*. The person conducting the background check shall be accredited by the ~~National Association of Professional Background Screeners~~ *Professional Background Screening Association* or a comparable entity approved by the Department.

2. Before authorizing an individual to act as a TNC partner, and at least once annually after authorizing an

individual to act as a TNC partner, a transportation network company shall obtain and review a driving history research report on that person from the individual's state of licensure.

3. Before authorizing an individual to act as a TNC partner, and at least once every ~~two years~~ *year* after authorizing a person to act as a TNC partner, a transportation network company shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the ~~U.S. Department of Justice's~~ *Dru Sjodin* National Sex Offender Public Website.

C. A transportation network company shall not authorize an individual to act as a TNC partner if the criminal history records check required under subsection B reveals that the individual:

1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the ~~U.S. Department of Justice's~~ *Dru Sjodin* National Sex Offender Public Website;

2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United States;

3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; ~~or~~ (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391*; or (iv) a misdemeanor conviction of § 18.2-57.2*; ~~or~~

4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3 or 46.2-341.26:3*; or*

5. Has been convicted of violating a protective order in cases of abuse or restraining order within the last seven years.

D. A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners and shall include a notice concerning the policy on its website and associated digital platform.

E. A transportation network company shall make the following disclosures in writing to a TNC partner or

prospective TNC partner:

1. The transportation network company shall disclose the liability insurance coverage and limits of liability that the transportation network company provides while the TNC partner uses a vehicle in connection with the transportation network company's digital platform.

2. The transportation network company shall disclose any physical damage coverage provided by the transportation network company for damage to the vehicle used by the TNC partner in connection with the transportation network company's digital platform.

3. The transportation network company shall disclose the uninsured motorist and underinsured motorist coverage and policy limits provided by the transportation network company while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

4. The transportation network company shall include the following disclosure prominently in writing to a TNC partner or prospective TNC partner: "If the vehicle that you plan to use to transport passengers for our transportation network company has a lien against it, you must notify the lienholder that you will be using the vehicle for transportation services that may violate the terms of your contract with the lienholder."

F. A TNC partner shall inform each transportation network company that has authorized him to act as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

§ 46.2-2099.54. Certain violations; civil penalties.

Any transportation network company or TNC partner who violates the provisions of §§ 46.2-2099.48 or 46.2-2099.49, in addition to any other penalties provided by law, is subject to a civil penalty to be assessed by the Department of (i) not more than $250 for a first offense, (ii) not more than $500 for a second offense, and (iii) not more than $1,000 for a third or subsequent offense.

Civil penalties collected under this section shall be paid to the Department for the administration of the requirements of §§ 46.2-2099.48 and 46.2-2099.49.