

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-2099.49 of the Code of Virginia, relating to TNC partners; requirements*
 3 *and background screening.*

4 [H 1469]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-2099.49 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and**
 9 **alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated**
 10 **information to transportation network companies.**

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

13 B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years after
 14 authorizing an individual to act as a TNC partner, a transportation network company shall obtain a national
 15 criminal history records check of that person. The background check shall include (i) a
 16 Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide
 17 database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against
 18 Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person
 19 conducting the background check shall be accredited by the ~~National Association of Professional Background~~
 20 ~~Screeners~~ *Professional Background Screening Association* or a comparable entity approved by the
 21 Department. *Such background check shall not be limited to a specific period of time, except as required by*
 22 *law, and shall include all addresses at which such TNC partner has resided since the age of 18.*

23 2. Before authorizing an individual to act as a TNC partner, and at least once annually after authorizing an
 24 individual to act as a TNC partner, a transportation network company shall obtain and review a driving
 25 history research report on that person from the individual's state of licensure.

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

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

32 1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is
 33 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
 34 National Sex Offender Public Website;

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

37 3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of
 38 the following offenses, either under Virginia law or a substantially similar law of another state or of the
 39 United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense under
 40 § 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
 41 license pursuant to § 46.2-389 or 46.2-391; or

42 4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of
 43 the following offenses, either under Virginia law or a substantially similar law of another state or of the
 44 United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in
 45 § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a
 46 motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol
 47 or drug content of the person's blood or breath, as described in § 18.2-268.3 or 46.2-341.26:3.

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

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

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

56 2. The transportation network company shall disclose any physical damage coverage provided by the

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57 transportation network company for damage to the vehicle used by the TNC partner in connection with the
58 transportation network company's digital platform.

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

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

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