

FIRST REGULAR SESSION

HOUSE BILL NO. 792

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

1892H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 387, RSMo, by adding thereto eighteen new sections relating to transportation network companies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 387, RSMo, is amended by adding thereto eighteen new sections, to be known as sections 387.410, 387.415, 387.420, 387.425, 387.430, 387.435, 387.440, 387.445, 387.450, 387.455, 387.460, 387.465, 387.470, 387.475, 387.480, 387.485, 387.490, and 387.495, to read as follows:

387.410. 1. As used in sections 387.410 to 387.495 the following terms mean:

(1) "Transportation network company" or "TNC", an entity licensed pursuant to sections 387.410 to 387.495 and operating in Missouri that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A TNC is not deemed to own, control, operate, or manage the vehicles used by TNC drivers, and is not a taxicab association or a for-hire vehicle owner;

(2) "Transportation network company (TNC) driver", an individual who operates a motor vehicle that is:

(a) Owned, leased, or otherwise authorized for use by the individual;

(b) Not a taxicab or for-hire vehicle; and

(c) Used to provide transportation network company services;

(3) "Transportation network company (TNC) services", transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

16 begin when a TNC driver accepts a request for transportation received through the TNC's
17 digital network or software application service, continue while the TNC driver transports
18 the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC
19 driver's vehicle. TNC service is not taxicab, for-hire vehicle, or street hail service.

387.415. TNCs or TNC drivers are not common carriers, contract carriers, or
2 motor carriers, as defined in section 390.020, nor do they provide taxicab or for-hire
3 vehicle service. In addition, a TNC driver shall not be required to register the vehicle such
4 driver uses to provide TNC services as a commercial or for-hire vehicle.

387.420. 1. A person shall not operate a TNC in Missouri without first having
2 obtained a permit from the department of transportation.

3 2. The department of transportation shall issue a permit to each applicant that
4 meets the requirements for a TNC set forth in sections 387.410 to 387.495, and pays an
5 annual permit fee that does not exceed twenty thousand dollars to the department of
6 transportation.

387.425. A TNC shall maintain an agent for service of process in the state of
2 Missouri.

387.430. A TNC may charge a fare for the services provided to passengers;
2 provided that, if a fare is charged, the TNC shall disclose to passengers the fare calculation
3 method on its website or within the software application service. The TNC shall also
4 provide passengers with the applicable rates being charged and the option to receive an
5 estimated fare before the passenger enters the TNC driver's vehicle.

387.435. The TNC's software application or website shall display a picture of the
2 TNC driver and the license plate number of the motor vehicle utilized for providing the
3 TNC service before the passenger enters the TNC driver's vehicle.

387.440. Within a reasonable period of time following the completion of a trip, a
2 TNC shall transmit an electronic receipt to the passenger that lists:

- 3 (1) The origin and destination of the trip;
- 4 (2) The total time and distance of the trip; and
- 5 (3) An itemization of the total fare paid, if any.

387.445. 1. On or before September 1, 2015 and thereafter, TNCs and TNC drivers
2 shall comply with the automobile liability insurance requirements of this section.

3 2. The following automobile liability insurance requirements shall apply during the
4 time that a TNC driver is logged into the TNC's digital network and available to receive
5 requests for transportation but is not providing TNC services:

- 6 (1) Automobile liability insurance that meets at least the minimum coverage
7 requirements of section 303.030 and section 379.203; and

8 (2) Automobile liability insurance in the amounts required in subdivision (1) of this
9 subsection shall be maintained by a TNC and provide coverage in the event a participating
10 TNC driver's own automobile liability policy excludes coverage according to its policy
11 terms or does not provide coverage of at least the limits required in subdivision (1) of this
12 subsection.

13 3. The following automobile liability insurance requirements shall apply while a
14 TNC driver is providing TNC services:

15 (1) Provides primary automobile liability insurance that recognizes the TNC
16 driver's provision of TNC services;

17 (2) Provides automobile liability insurance of at least one million dollars for death,
18 personal injury, and property damage; and

19 (3) Provides uninsured motorist coverage as required by section 379.203.

20 4. The coverage requirements of subsection 3 of this section may be satisfied by any
21 of the following:

22 (1) Automobile liability insurance maintained by the TNC driver; or

23 (2) Automobile liability insurance maintained by the TNC; or

24 (3) Any combination of subdivisions (1) and (2) of this subsection.

25 5. In every instance where insurance maintained by a TNC driver to fulfill the
26 insurance requirements of this section has lapsed, failed to provide the required coverage,
27 denied a claim for the required coverage, or otherwise ceased to exist, insurance
28 maintained by a TNC shall provide the coverage required by this section beginning with
29 the first dollar of a claim.

30 6. Insurance required by this section may be placed with an insurer authorized to
31 do business in the state or with a surplus lines insurer eligible under chapter 384.

32 7. Insurance required by this section shall be deemed to satisfy the financial
33 responsibility requirement for a motor vehicle under chapter 303.

387.450. 1. The TNC shall disclose in writing to TNC drivers the following before
2 they are allowed to accept a request for TNC services on the TNC's digital network:

3 (1) The insurance coverage and limits of liability that the TNC provides while the
4 driver uses a personal vehicle in connection with a TNC's digital network; and

5 (2) That the TNC driver's own insurance policy may not provide coverage while
6 the TNC driver uses a vehicle in connection with a TNC's digital network depending on
7 its terms.

8 2. Insurers that write automobile liability insurance in Missouri:

9 (1) May exclude any and all coverage and the duty to defend afforded under the
10 owner's insurance policy for any loss or injury that occurs while an insured vehicle

11 provides or is available to provide TNC services, provided such exclusion is expressly set
12 forth in the policy and approved for sale in Missouri. This right to exclude coverage and
13 the duty to indemnify and defend may apply to any coverage included in an automobile
14 liability insurance policy including, but not limited to:

15 (a) Liability coverage for bodily injury and property damage;

16 (b) Uninsured and underinsured motorist coverage;

17 (c) Medical payments coverage;

18 (d) Comprehensive physical damage coverage; and

19 (e) Collision physical damage coverage;

20 (2) Shall notify an insured after a loss, and within the time required by 20 CSR
21 100-1.050, that the insurer has no duty to defend or indemnify any person or organization
22 for liability for a loss that is properly excluded pursuant to the terms of the applicable
23 primary or excess insurance policy.

24 3. Insurers that write automobile liability insurance in Missouri shall disclose on
25 its application for insurance, in a prominent place, whether or not the insurance policy
26 provides coverage while an insured vehicle provides or is available to provide TNC
27 services. If an automobile liability insurance policy contains an exclusion for TNC services,
28 the insurer or its agent shall disclose in writing the exact language of such exclusion to the
29 applicant during the application process.

30 4. In a claims coverage investigation, TNCs and any insurer providing coverage
31 under this section shall cooperate to facilitate the exchange of information, including the
32 precise times that a TNC driver logged on and off of the TNC's digital network in the
33 twenty-four hour period immediately preceding the accident and disclose to one another
34 a clear description of the coverage, exclusions, and limits provided under any insurance
35 policy each party issued or maintained.

387.455. 1. The TNC shall implement a zero tolerance policy on the use of
2 nonprescribed controlled drugs or alcohol while a TNC driver is providing TNC services
3 or is logged into the TNC's digital network but is not providing TNC services, and shall
4 provide notice of this policy on its website, as well as procedures to report a complaint
5 about a driver with whom a passenger was matched, and whom the passenger reasonably
6 suspects was under the influence of drugs or alcohol during the course of the trip.

7 2. Upon receipt of such passenger complaint alleging a violation of the zero
8 tolerance policy, the TNC shall immediately suspend such TNC driver's access to the
9 TNC's digital platform, and shall conduct an investigation into the reported incident. The
10 suspension shall last the duration of the investigation.

11 **3. The TNC shall maintain records relevant to the enforcement of this requirement**
12 **for a period of at least two years from the date that a passenger complaint is received by**
13 **the TNC.**

387.460. 1. Prior to permitting an individual to act as a TNC driver on its digital
2 **platform, the TNC shall:**

3 **(1) Require the individual to submit an application to the TNC, which includes**
4 **information regarding his or her address, age, driver's license, driving history, motor**
5 **vehicle registration, automobile liability insurance, and other information required by the**
6 **TNC;**

7 **(2) Require written authorization from each applicant allowing the TNC to**
8 **conduct, or have a third party conduct, a criminal background check for each applicant**
9 **described in subdivision (3) of this subsection;**

10 **(3) Conduct, or have a third party conduct, a criminal background check for each**
11 **applicant that shall include:**

12 **(a) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar**
13 **commercial nationwide database with validation (primary source search); and**

14 **(b) National Sex Offender Registry database; and**

15 **(4) Obtain and review a driving history research report for such individual from**
16 **the department of revenue.**

17 **2. The TNC shall not permit an individual to act as a TNC driver on its digital**
18 **platform who:**

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

22 **(2) Has been convicted within the past seven years of driving under the influence**
23 **of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a**
24 **crime involving property damage, or theft, acts of violence, or acts of terror;**

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 used to provide TNC**
28 **services;**

29 **(6) Does not possess proof of automobile liability insurance for the motor vehicle**
30 **used to provide TNC services; or**

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

387.465. The TNC shall require that any motor vehicle that a TNC driver will use
2 **to provide TNC services to meet the inspection requirements of section 307.350.**

2 **387.470. A TNC driver shall exclusively accept rides booked through a TNC's**
3 **digital network or software application service and shall not solicit or accept street hails.**

2 **387.475. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash**
3 **payments from passengers and notify TNC drivers of such policy. TNC drivers shall not**
4 **solicit or accept cash payments from passengers. Any payment for TNC services shall be**
5 **made only electronically using the TNC's digital network or software application.**

2 **387.480. 1. TNC drivers shall comply with all applicable laws regarding**
3 **nondiscrimination against passengers or potential passengers.**

3 **2. TNC drivers shall comply with all applicable laws relating to accommodation of**
4 **service animals.**

5 **3. A TNC shall not impose additional charges for providing services to persons with**
6 **physical disabilities because of those disabilities.**

7 **4. A TNC shall provide passengers an opportunity to indicate whether they require**
8 **a wheelchair accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC**
9 **service in any instance, it shall direct the passenger to an alternate provider of**
10 **wheelchair-accessible service, if available.**

2 **387.485. A TNC shall maintain:**

2 **(1) Individual trip records for at least one year from the date each trip was**
3 **provided; and**

4 **(2) TNC driver records at least until the one year anniversary of the date on which**
5 **a TNC driver's activation on the TNC digital network has ended.**

2 **387.490. A TNC shall not disclose a passenger's personally identifiable information**
3 **to a third party unless:**

3 **(1) The passenger consents;**

4 **(2) Disclosure is required by a legal obligation; or**

5 **(3) Disclosure is required to protect or defend the terms of use of the service or to**
6 **investigate violations of those terms.**

7
8 **In addition to the foregoing, a TNC shall be permitted to share a passenger's name or**
9 **telephone number with the TNC driver providing TNC services to such passenger in order**
10 **to facilitate correct identification of the passenger by the TNC driver, or to facilitate**
11 **communication between the passenger and the TNC driver.**

2 **387.495. Notwithstanding any other provision of law, TNCs and TNC drivers are**
3 **governed exclusively by sections 387.410 to 387.495 and any rules promulgated by the**
4 **department of transportation consistent with sections 387.410 to 387.495. Neither a TNC**
5 **nor a TNC driver shall be subject to regulation or oversight by a regional taxicab**

5 commission pursuant to section 67.1800 to 67.1822, and no municipality or other local
6 entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used
7 by a TNC driver where such tax or license relates to providing TNC services, or subject a
8 TNC to the municipality or other local entity's rate, entry, operational, or other
9 requirements.

✓