

HB 792 -- TRANSPORTATION NETWORK COMPANIES

SPONSOR: Barnes

This bill defines a "transportation network company" (TNC) as an entity licensed under Sections 387.410 to 387.495, RSMo, 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 drivers. In its main provisions, the bill requires a TNC company to:

- (1) Obtain a permit from the Department of Transportation and pay an annual fee to the department of up to \$20,000;
- (2) Maintain an agent for service of process in Missouri;
- (3) Provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle;
- (4) Disclose to a driver, before he or she is allowed to accept a request for TNC services, the insurance coverage and limits of liability that the company provides while the driver uses a personal vehicle in connection with a TNC's digital network and that the driver's own insurance may not provide coverage while he or she uses a vehicle in connection with a TNC's digital network;
- (5) Implement a zero tolerance policy on the use of nonprescribed controlled drugs or alcohol while a TNC driver is providing TNC services or is logged into the TNC's digital network and to provide notice of the policy on its website as well as procedures to report a complaint about a driver whom a passenger reasonably suspects was under the influence of drugs or alcohol during the course of a trip. Upon receipt of a complaint, the TNC must immediately suspend the driver's access to the TNC's digital platform and conduct an investigation. Records relevant to the enforcement of this requirement must be maintained for at least two years from the date the complaint is received;
- (6) Conduct specific background checks on an individual prior to permitting him or her to act as a TNC driver. The TNC must also obtain and review a driving history research report for the individual from the Department of Revenue. The TNC cannot permit specified individuals to act as a TNC driver. The TNC must require that any motor vehicle that a driver will use must meet specified inspection requirements;
- (7) Adopt policies prohibiting solicitation or acceptance of cash payments from passengers and notify drivers of the policy. Any

payment for TNC services must be made only electronically using the TNC's digital network or software application;

(8) Maintain individual trip records for at least one year and a driver's record for at least one year of the date on which the driver's activation on the TNC digital network has ended; and

(9) Ensure that drivers comply with all applicable laws regarding nondiscrimination against passengers or potential passengers and the accommodation of service animals. A TNC cannot impose additional charges for providing services to persons with physical disabilities. A TNC must provide passengers an opportunity to indicate whether they require a wheelchair accessible vehicle. If it cannot arrange wheelchair-accessible service, it must direct the passenger to an alternate provider if available.

By September 1, 2015, the bill requires a TNC and its drivers to comply with specified automobile liability insurance requirements. The bill allows an insurer that writes automobile liability insurance in Missouri to exclude coverage for a TNC driver while available for TNC service or providing those services.

A TNC driver must exclusively accept rides booked through a TNC's digital network or software application service and must not solicit or accept street hails.

TNCs and TNC drivers must be governed exclusively by these provisions and any rules promulgated by the Department of Transportation. A TNC or a TNC driver cannot be subject to regulation or oversight by a regional taxicab commission, and a municipality or other local entity cannot impose a tax on or require a license for a TNC, a TNC driver, or a vehicle used by a TNC driver or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements.