

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Bill No. 947, Page 1, In the Title, Line 3, by deleting the word "insurance"; and  
2  
3 Further amend said bill, Page 7, Section 379.1708, Line 54, by inserting after all of said section and  
4 line the following:

5  
6 "387.600. As used in sections 387.600 to 387.630, the following terms shall mean:

7 (1) "Digital network", any online-enabled application, website, or system offered or utilized  
8 by a transportation network company that enables the prearrangement of rides with transportation  
9 network company drivers;

10 (2) "Personal vehicle", a vehicle that is used by a transportation network company driver  
11 and is:

12 (a) Owned, leased, or otherwise authorized for use by the transportation network company  
13 driver; and

14 (b) Not a taxicab, limousine, or for-hire vehicle under chapter 390;

15 (3) "Prearranged ride", the provision of transportation by a driver to a rider, beginning when  
16 a driver accepts a ride requested by a rider through a digital network controlled by a transportation  
17 network company, continuing while the driver transports a requesting rider, and ending when the  
18 last requesting rider departs from the personal vehicle. A prearranged ride shall not include shared  
19 expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or  
20 other for-hire vehicle under chapter 390;

21 (4) "Transportation network company", a corporation, partnership, sole proprietorship, or  
22 other entity that is licensed and operating in Missouri that uses a digital network to connect  
23 transportation network company riders to transportation network company drivers who provide  
24 prearranged rides. A transportation network company shall not be deemed to control, direct, or  
25 manage the personal vehicles or transportation network company drivers that connect to its digital  
26 network, except if agreed to by written contract;

27 (5) "Transportation network company driver" or "driver", an individual who:

28 (a) Receives connections to potential riders and related services from a transportation  
29 network company in exchange for payment of a fee to the transportation network company; and

30 (b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection  
31 through a digital network controlled by a transportation network company in return for  
32 compensation or payment of a fee;

33 (6) "Transportation network company rider" or "rider", an individual or persons who use a  
34 transportation network company's digital network to connect with a transportation network driver  
35 who provides prearranged rides to the rider in the driver's personal vehicle between points chosen  
36 by the rider.

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       387.602. Notwithstanding any other provision of law, transportation network companies  
2 shall not be considered common carriers, contract carriers, or motor carriers, as defined under  
3 section 390.020, or for-hire vehicle service. A transportation network company driver shall not be  
4 required to register any vehicle the driver uses to provide prearranged rides as a commercial vehicle  
5 or as a for-hire vehicle.

6       387.604. Beginning August 28, 2016, any person operating a transportation network  
7 company in the state shall be required to obtain a permit from the department of revenue. The  
8 department shall issue permits to applicants who meet the requirements for a transportation network  
9 company as provided under sections 387.600 to 387.630 and who pay an annual, nonrefundable  
10 permit fee of five thousand dollars to the department. While operating as a transportation network  
11 company, such company shall maintain an agent for service of process within the state of Missouri.

12       387.608. On behalf of a transportation network company driver, a transportation network  
13 company may charge a fare for the services provided to riders; provided that, if a fare is collected  
14 from a rider, the transportation network company shall disclose to the rider the fare calculation  
15 method in the vehicle on its website or within the software application service. The transportation  
16 network company shall also provide riders with the applicable rates being charged and the option to  
17 receive an estimated fare before the rider enters the transportation network company driver's  
18 vehicle.

19       387.610. The transportation network company shall meet the requirements of either  
20 subsection of this section at its option:

21       (1) Display in its software application or website a picture of the transportation network  
22 driver and the license plate number of the motor vehicle utilized for providing the prearranged ride  
23 before the passenger enters the transportation network company driver's vehicle; or

24       (2) Have clearly visible external markings on the front and back or both sides of the  
25 transportation network motor vehicles to easily identify the vehicle as a transportation network  
26 vehicle. Vehicle markings shall be no less than six inches tall and six inches wide. The  
27 transportation network driver shall display photo identification within the vehicle at all times.

28       387.612. After the completion of a prearranged ride secured on a digital network, within a  
29 reasonable period of time following the completion of a trip, a transportation network company  
30 shall transmit an electronic receipt to the transportation network company rider on behalf of the  
31 transportation network company driver that lists:

32       (1) The origin and destination of the trip;

33       (2) The total time and distance of the trip; and

34       (3) An itemization of the total fare paid, if any.

35       387.620. Drivers shall be independent contractors and not employees of the transportation  
36 network company if all of the following conditions are met:

37       (1) The transportation network company does not prescribe specific hours during which a  
38 transportation network company driver must be logged into the transportation network company's  
39 digital network;

40       (2) The transportation network company imposes no restrictions on the transportation  
41 network company driver's ability to utilize digital networks from other transportation network  
42 companies;

43       (3) The transportation network company does not assign a transportation network company  
44 driver a particular territory in which prearranged rides can be provided;

45       (4) The transportation network company does not restrict a transportation network company  
46 driver from engaging in any other occupation or business; and

47       (5) The transportation network company and transportation network company driver agree  
48 in writing that the driver is an independent contractor of the transportation network company.

1       387.622. 1. The transportation network company shall implement a zero tolerance policy  
2 regarding a transportation network company driver's activities while accessing the transportation  
3 network company's digital network. The zero tolerance policy shall address the use of drugs or  
4 alcohol while a transportation network company driver is providing prearranged rides or is logged  
5 into the transportation network company's digital network but is not providing prearranged rides,  
6 and the transportation network company shall provide notice of this policy on its website, as well as  
7 procedures to report a complaint about a driver with whom a rider was matched and whom the rider  
8 reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

9       2. Upon receipt of a rider complaint alleging a violation of the zero tolerance policy, the  
10 transportation network company shall immediately suspend such transportation network company  
11 driver's access to the transportation network company's digital network, and shall conduct an  
12 investigation into the reported incident. The suspension shall last the duration of the investigation.

13       3. The transportation network company shall maintain records relevant to the enforcement  
14 of this requirement for a period of at least two years from the date that a rider complaint is received  
15 by the transportation network company.

16       387.624. 1. Before allowing an individual to accept trip requests through a transportation  
17 network company's digital network:

18       (1) The individual shall submit an application to the transportation network company, which  
19 includes information regarding his or her address, age, driver's license, driving history, motor  
20 vehicle registration, automobile liability insurance, and other information required by the  
21 transportation network company;

22       (2) The transportation network company shall conduct, or have a third party conduct, a local  
23 and national criminal background check for each applicant that shall include:

24       (a) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial  
25 nationwide database with validation; and

26       (b) National Sex Offender Registry database;

27       (3) The transportation network company shall obtain and review a driving history research  
28 report for such individual.

29       2. The transportation network company shall not permit an individual to act as a  
30 transportation network company driver on its digital network who:

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

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

37       (3) Is a match in the National Sex Offender Registry database;

38       (4) Does not possess a valid driver's license;

39       (5) Does not possess proof of registration for the motor vehicle or vehicles used to provide  
40 prearranged rides;

41       (6) Does not possess proof of automobile liability insurance for the motor vehicle or  
42 vehicles used to provide prearranged rides; or

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

44       3. A transportation network company driver who is qualified to accept trip requests through  
45 a transportation network company's digital network under this section shall not be required to obtain  
46 any other state or local license or permit to provide prearranged rides.

47       387.626. The transportation network company shall not allow a transportation network  
48 company driver to accept trip requests through the transportation network company's digital

1 network unless any motor vehicle or vehicles that a transportation network company driver will use  
 2 to provide prearranged rides meets the inspection requirements of section 307.350.

3 387.627. 1. The transportation network company shall adopt a policy of nondiscrimination  
 4 with respect to riders and potential riders and notify transportation network company drivers of such  
 5 policy.

6 2. Transportation network company drivers shall comply with all applicable laws regarding  
 7 nondiscrimination against riders or potential riders.

8 3. Transportation network company drivers shall comply with all applicable laws relating to  
 9 accommodation of service animals.

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

12 387.628. A transportation network company shall maintain the following customer records:

13 (1) For prearranged rides secured through a digital network, individual trip records of rider  
 14 customers for at least one year from the date each trip was provided; and

15 (2) Individual records of transportation network company driver customers at least until the  
 16 one year anniversary of the date on which a transportation network company driver's customer  
 17 relationship with the transportation network company has ended.

18 387.630. 1. Notwithstanding any other provision of law, transportation network companies  
 19 and transportation network company drivers are governed exclusively by sections 387.600 to  
 20 387.630 and any rules promulgated by the State of Missouri consistent with such sections. No  
 21 municipality or other local or state entity may impose a tax on or require a license for a  
 22 transportation network company, a transportation network company driver, or a vehicle used by a  
 23 transportation network company driver where such tax or licenses relates to providing prearranged  
 24 rides, or subject a transportation network company to the municipality or other local or state entity's  
 25 rate, entry, operational requirements, or other requirements. Nothing in this section shall apply to  
 26 an earnings tax.

27 2. The department of revenue may promulgate all necessary rules and regulations for the  
 28 administration of this section. Any rule or portion of a rule, as that term is defined in section  
 29 536.010, that is created under the authority delegated in this section shall become effective only if it  
 30 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
 31 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the  
 32 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
 33 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
 34 rule proposed or adopted after August 28, 2016, shall be invalid and void.

35 387.632. 1. Beginning August 28, 2016, and annually thereafter, a taxicab, a taxicab driver,  
 36 a taxicab company as those terms are defined in section 67.1800, shall make an election filed with  
 37 the department of revenue to comply with either:

38 (1) The provisions of 387.600 through 387.630 herein; or

39 (2) Applicable municipal regulation duly enacted or authorized by 67.1800 through  
 40 67.1822.

41 2. A taxicab company or taxicab driver, solely for purposes of satisfying 387.624 herein,  
 42 may maintain primary commercial automobile liability coverage with a combined single limit of no  
 43 less than four hundred thousand dollars for death, bodily injury or property damage provided such  
 44 policy be issued by an insurer with a credit rating of no less than A- by A.M. Best.

45 387.634. 1. Transportation network companies shall not be considered employers of  
 46 transportation network company drivers for purposes of chapters 285, 287, 288, and 290, except  
 47 when agreed to by written contract. Transportation network company drivers shall not be  
 48 considered employees for purposes of chapters 285, 287, 288, and 290, except when agreed to by

1 written contract. If the parties agree to the application of one or more of these laws in a written  
2 contract, the transportation network company shall notify the appropriate agency of the election to  
3 cover the driver. If the parties subsequently change this election, the transportation network  
4 company shall notify the appropriate agency of the change.

5 2. Except when agreed to by written contract, a transportation network company driver is  
6 not an agent of a transportation network company."; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.  
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