

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;

26 (b) National Sex Offender Registry database; and

27 (c) A fingerprint card and authorization for a criminal history background check to include
28 the records of the Federal Bureau of Investigation to the Transportation Network Company for
29 which such Transportation Network Company driver is seeking work. Any political subdivision
30 may, by a vote of the governing body, opt out of the requirement in this paragraph.

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

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

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

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

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

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

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

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

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

48 3. A transportation network company driver who is qualified to accept trip requests through

1 a transportation network company's digital network under this section shall not be required to obtain
2 any other state or local license or permit to provide prearranged rides.

3 387.626. The transportation network company shall not allow a transportation network
4 company driver to accept trip requests through the transportation network company's digital
5 network unless any motor vehicle or vehicles that a transportation network company driver will use
6 to provide prearranged rides meets the inspection requirements of section 307.350.

7 387.627. 1. The transportation network company shall adopt a policy of nondiscrimination
8 with respect to riders and potential riders and notify transportation network company drivers of such
9 policy.

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

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

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

16 387.628. A transportation network company shall maintain the following customer records:

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

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

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

31 2. The department of revenue may promulgate all necessary rules and regulations for the
32 administration of this section. Any rule or portion of a rule, as that term is defined in section
33 536.010, that is created under the authority delegated in this section shall become effective only if it
34 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
35 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
36 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
37 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
38 rule proposed or adopted after August 28, 2016, shall be invalid and void.

39 387.632. 1. Beginning August 28, 2016, and annually thereafter, a taxicab, a taxicab driver,
40 a taxicab company as those terms are defined in section 67.1800, shall make an election filed with
41 the department of revenue to comply with either:

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

43 (2) Applicable municipal regulation duly enacted or authorized by 67.1800 through
44 67.1822.

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

1 387.634. 1. Transportation network companies shall not be considered employers of
2 transportation network company drivers for purposes of chapters 285, 287, 288, and 290, except
3 when agreed to by written contract. Transportation network company drivers shall not be
4 considered employees for purposes of chapters 285, 287, 288, and 290, except when agreed to by
5 written contract. If the parties agree to the application of one or more of these laws in a written
6 contract, the transportation network company shall notify the appropriate agency of the election to
7 cover the driver. If the parties subsequently change this election, the transportation network
8 company shall notify the appropriate agency of the change.

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

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.
14
15