

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 909, Page 1, In the Title, Lines 2-3, by
2 deleting the words "the designation of highways" and inserting in lieu thereof the word
3 "transportation"; and
4

5 Further amend said bill, Page 2, Section 227.446, Line 4, by inserting after all of said section and
6 line the following:
7

8 "379.1700. As used in sections 379.1700 to 379.1708, the following terms shall mean:

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

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

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

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

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

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

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

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

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

35 (6) "Transportation network company rider" or "rider", an individual or persons who use a
36 transportation network company's digital network to connect with a transportation network driver

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1 who provides prearranged rides to the rider in the driver's personal vehicle between points chosen
2 by the rider.

3 379.1702. 1. Beginning April 1, 2017, a transportation network company driver or
4 transportation network company on the driver's behalf shall maintain primary automobile insurance
5 that:

6 (1) Recognizes that the driver is a transportation network company driver or otherwise uses
7 a vehicle to transport riders for compensation; and

8 (2) Covers the driver while the driver is logged on to the transportation network company's
9 digital network or while the driver is engaged in a prearranged ride.

10 2. The following automobile insurance requirements shall apply while a participating
11 transportation network company driver is logged on to the transportation network company's digital
12 network and is available to receive transportation requests but is not engaged in a prearranged ride:

13 (1) Primary automobile liability insurance in the amount of at least fifty thousand dollars for
14 death and bodily injury per person, one hundred thousand dollars for death and bodily injury per
15 incident, and twenty-five thousand dollars for property damage;

16 (2) Uninsured motorist coverage in an amount not less than the limits set forth under section
17 379.203;

18 (3) The coverage requirements of this subsection may be satisfied by any of the following:

19 (a) Automobile insurance maintained by the transportation network company driver;

20 (b) Automobile insurance maintained by the transportation network company; or

21 (c) Any combination of paragraphs (a) and (b) of this subdivision.

22 3. The following automobile insurance requirements shall apply while a transportation
23 network company driver is engaged in a prearranged ride:

24 (1) Primary automobile liability insurance in the amount of at least one million dollars for
25 death, bodily injury, and property damage;

26 (2) Uninsured motorist coverage in an amount not less than the limits set forth under section
27 379.203;

28 (3) The coverage requirements of this subsection may be satisfied by any of the following:

29 (a) Automobile insurance maintained by the transportation network company driver;

30 (b) Automobile insurance maintained by the transportation network company; or

31 (c) Any combination of paragraphs (a) and (b) of this subdivision.

32 4. If insurance maintained by a driver in subsection 2 or 3 of this section has lapsed or does
33 not provide the required coverage, insurance maintained by a transportation network company shall
34 provide the coverage required by this section beginning with the first dollar of a claim and shall
35 have the duty to defend such claim. If the insurance maintained by the driver does not otherwise
36 exclude coverage for loss or injury while the driver is logged on to a transportation network's digital
37 network or while the driver provides a prearranged ride, but does not provide insurance coverage at
38 the minimum limits required by subsection 2 or 3 of this section, the transportation network
39 company shall maintain insurance coverage that provides excess coverage beyond the driver's policy
40 limits up to the limits required by subsection 2 or 3 of this section, as applicable.

41 5. Coverage under an automobile insurance policy maintained by the transportation network
42 company shall not be dependent on a personal automobile insurer first denying a claim nor shall a
43 personal automobile insurance policy be required to first deny a claim.

44 6. Insurance required by this section may be placed with an insurer authorized to issue
45 policies of automobile insurance in the state of Missouri or with an eligible surplus lines insurer
46 under chapter 384.

47 7. Insurance satisfying the requirements of this section shall be deemed to satisfy the motor
48 vehicle financial responsibility requirements for a motor vehicle under chapter 303.

8. A transportation network company driver shall carry proof of coverage satisfying subsections 2 and 3 of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers, upon request under section 303.024. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether the driver was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

379.1704. The transportation network company shall disclose in writing to transportation network company drivers the following before they are allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and

(2) That the transportation network company driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride depending on the policy's terms.

379.1706. A transportation network company shall make the following disclosure to a prospective driver in the prospective driver's terms of service:

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE.

The disclosure set forth in this subsection shall be placed prominently in the prospective driver's written terms of service, and the prospective driver shall acknowledge the terms of service electronically or by signature.

379.1708. 1. Insurers that write automobile insurance in Missouri may exclude or limit any and all coverage afforded under an automobile insurance policy, including a motor vehicle liability policy, issued to an owner or operator of a personal vehicle, as defined by this chapter, for any loss or injury that occurs while:

(1) A driver is logged on to a transportation network company's digital network;

(2) A driver provides a prearranged ride; or

(3) A motor vehicle is being used to transport or carry persons or property for any compensation or suggested donation;

2. The right to exclude all coverage under subsection 1 of this section may apply to any coverage included in an automobile insurance policy including, but not limited to:

- (1) Liability coverage for bodily injury and property damage;
- (2) Uninsured and underinsured motorist coverage;
- (3) Medical payments coverage;
- (4) Comprehensive physical damage coverage; and
- (5) Collision physical damage coverage.

Such exclusions shall apply notwithstanding any financial responsibility requirement or uninsured motorist coverage requirement under the motor vehicle financial responsibility law, chapter 303, or section 379.203, respectively. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers or property for compensation.

3. Nothing shall be deemed to preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it chooses to do so by contract or endorsement.

4. Automobile insurers that exclude the coverage described under section 379.1702 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Missouri prior to the enactment of this section that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

5. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of section 379.1702 at the time of loss.

6. In a claims coverage investigation, transportation network companies and any insurer providing coverage under section 379.1702 shall cooperate to facilitate the exchange of relevant information with each other and any insurer of the transportation network company driver if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under section 379.1702.

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

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

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

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

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

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

(4) "Transportation network company", a corporation, partnership, sole proprietorship, or

1 other entity that is licensed and operating in Missouri that uses a digital network to connect
 2 transportation network company riders to transportation network company drivers who provide
 3 prearranged rides. A transportation network company shall not be deemed to control, direct, or
 4 manage the personal vehicles or transportation network company drivers that connect to its digital
 5 network, except if agreed to by written contract;

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

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

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

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

16 387.602. Notwithstanding any other provision of law, transportation network companies
 17 shall not be considered common carriers, contract carriers, or motor carriers, as defined under
 18 section 390.020, or for-hire vehicle service. A transportation network company driver shall not be
 19 required to register any vehicle the driver uses to provide prearranged rides as a commercial vehicle
 20 or as a for-hire vehicle.

21 387.604. Beginning August 28, 2016, any person operating a transportation network
 22 company in the state shall be required to obtain a permit from the department of revenue. The
 23 department shall issue permits to applicants who meet the requirements for a transportation network
 24 company as provided under sections 387.600 to 387.630 and who pay an annual, nonrefundable
 25 permit fee of five thousand dollars to the department. While operating as a transportation network
 26 company, such company shall maintain an agent for service of process within the state of Missouri.

27 387.608. On behalf of a transportation network company driver, a transportation network
 28 company may charge a fare for the services provided to riders; provided that, if a fare is collected
 29 from a rider, the transportation network company shall disclose to the rider the fare calculation
 30 method in the vehicle on its website or within the software application service. The transportation
 31 network company shall also provide riders with the applicable rates being charged and the option to
 32 receive an estimated fare before the rider enters the transportation network company driver's
 33 vehicle.

34 387.610. The transportation network company shall meet the requirements of either
 35 subsection of this section at its option:

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

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

43 387.612. After the completion of a prearranged ride secured on a digital network, within a
 44 reasonable period of time following the completion of a trip, a transportation network company
 45 shall transmit an electronic receipt to the transportation network company rider on behalf of the
 46 transportation network company driver that lists:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) National Sex Offender Registry database;

On or after August 28, 2019, the department of revenue may require a transportation network company to conduct or have a third party conduct a fingerprint background check for any applicant.

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

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

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

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

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

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

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

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

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

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

17 387.626. The transportation network company shall not allow a transportation network
18 company driver to accept trip requests through the transportation network company's digital
19 network unless any motor vehicle or vehicles that a transportation network company driver will use
20 to provide prearranged rides meets the inspection requirements of section 307.350.

21 387.627. 1. The transportation network company shall adopt a policy of nondiscrimination
22 with respect to riders and potential riders and notify transportation network company drivers of such
23 policy.

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

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

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

30 387.628. A transportation network company shall maintain the following customer records:

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

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

36 387.630. 1. Notwithstanding any other provision of law, transportation network companies
37 and transportation network company drivers are governed exclusively by sections 387.600 to
38 387.630 and any rules promulgated by the State of Missouri consistent with such sections. No
39 municipality or other local or state entity may impose a tax on or require a license for a
40 transportation network company, a transportation network company driver, or a vehicle used by a
41 transportation network company driver where such tax or licenses relates to providing prearranged
42 rides, or subject a transportation network company to the municipality or other local or state entity's
43 rate, entry, operational requirements, or other requirements. Nothing in this section shall apply to
44 an earnings tax.

45 2. The department of revenue may promulgate all necessary rules and regulations for the
46 administration of this section. Any rule or portion of a rule, as that term is defined in section
47 536.010, that is created under the authority delegated in this section shall become effective only if it
48 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

1 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
2 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
3 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
4 rule proposed or adopted after August 28, 2016, shall be invalid and void.

5 387.632. 1. Beginning August 28, 2016, and annually thereafter, a taxicab, a taxicab driver,
6 a taxicab company as those terms are defined in section 67.1800, shall make an election filed with
7 the department of revenue to comply with either:

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

9 (2) Applicable municipal regulation duly enacted or authorized by 67.1800 through
10 67.1822.

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

15 387.634. 1. Transportation network companies shall not be considered employers of
16 transportation network company drivers for purposes of chapters 285, 287, 288, and 290, except
17 when agreed to by written contract. Transportation network company drivers shall not be
18 considered employees for purposes of chapters 285, 287, 288, and 290, except when agreed to by
19 written contract. A transportation network company shall be required to have a written contract
20 stating whether its drivers are considered independent contractors or employees. If the parties agree
21 to the application of one or more of these laws in a written contract, the transportation network
22 company shall notify the appropriate agency of the election to cover the driver. If the parties
23 subsequently change this election, the transportation network company shall notify the appropriate
24 agency of the change.

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

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28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.