

**Senate Bill No. 585**

(By Senators Trump, Beach, Carmichael, Ferns,  
Gaunch, Karnes, Kirkendoll, Leonhardt,  
Maynard, Miller, Nohe, Palumbo,  
Romano, Snyder, Williams, and Woelfel)

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[Originating in the Committee on  
the Judiciary;  
reported March 2, 2015.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, §17H-1-16, §17H-1-17 and §17H-1-18, §17H-2-1, §17H-2-2, §17H-2-3, §17H-2-4, §17H-2-5, §17H-2-6, §17H-2-7, §17H-2-8, §17H-2-9, §17H-2-10, §17H-2-11, §17H-2-12, §17H-2-13, §17H-2-14, §17H-2-15, §17H-2-16, §17H-2-17, §17H-2-18 and §17H-2-19; all relating to regulation of transportation network companies and regulation of taxicab companies; defining terms; establishing permit and permit fee; establishing requirements relating to insurance, disclosures, transportation network companies and its drivers, safety and records; limiting controlling authority; and permitting Commissioner of the Division of Motor Vehicles to propose rules for legislative approval; exempting taxicab companies from regulatory jurisdiction of Public Service Commission; establishing permit and permit fee; establishing requirements relating to insurance,

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disclosures, taxicab companies and its drivers, safety and records; limiting controlling authority; and permitting Commissioner of the Division of Motor Vehicles to propose rules for legislative approval.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new chapter, designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, §17H-1-16, §17H-1-17 and §17H-1-18, §17H-2-1, §17H-2-2, §17H-2-3, §17H-2-4, §17H-2-5, §17H-2-6, §17H-2-7, §17H-2-8, §17H-2-9, §17H-2-10, §17H-2-11, §17H-2-12, §17H-2-13, §17H-2-14, §17H-2-15, §17H-2-16, §17H-2-17, §17H-2-18 and §17H-2-19, all to read as follows:

**CHAPTER 17H. TRANSPORTATION NETWORK  
AND TAXICAB COMPANIES.**

**ARTICLE 1. REGULATION OF TRANSPORTATION NETWORK COMPANIES.**

**§17H-1-1. Definitions.**

1 As used in this article:

2 (a) “Transportation network company” or “TNC” means an entity licensed pursuant to  
3 this article and operating in West Virginia that uses a digital network or software application  
4 service to connect passengers to Transportation Network Company services provided by  
5 transportation network company drivers. A TNC is not deemed to own, control, operate or  
6 manage the vehicles used by TNC drivers and is not a taxicab association or a for-hire vehicle

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1 owner.

2 (b) “Transportation network company (TNC) driver” means an individual who operates a  
3 motor vehicle that is:

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

5 (2) Not a taxicab; and

6 (3) Used to provide transportation network company services.

7 (c) “Transportation network company (TNC) service” means transportation of a  
8 passenger between points chosen by the passenger and prearranged with a TNC driver through  
9 the use of a TNC digital network or software application. TNC services begin when a TNC  
10 driver accepts a request for transportation received through the TNC’s digital network or  
11 software application service, continue while the TNC driver transports the passenger in the TNC  
12 driver’s vehicle and end when the passenger exits the TNC driver’s vehicle. TNC service is not a  
13 taxicab or street hail service.

14 **§17H-1-2. Exemption from Public Service Commission regulation.**

15 TNCs or TNC drivers are not common carriers by motor vehicle or contract carriers by  
16 motor vehicle, or motor carriers, as defined in section two, article one, chapter twenty-four-a of  
17 this code, nor do they provide taxicab service. It is the express intent of this Legislature to  
18 exclude and exempt TNCs and TNC drivers from regulation of the Public Service Commission.

19 **§17H-1-3. TNC permit required; permit fee; and use of fees.**

20 (a) A person may not operate a TNC in West Virginia without first having obtained a  
21 permit from the Division of Motor Vehicles pursuant to this article.

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1 (b) The Division of Motor Vehicles shall issue a permit to each applicant that meets the  
2 requirements for a TNC set forth in this article and has paid an annual permit fee of \$5,000 to the  
3 Division of Motor Vehicles. Any fees collected under the provisions of this article shall be  
4 deposited into the Motor Vehicle Fees Fund established in accordance with section twenty-one,  
5 article two, chapter seventeen-a of this code. The Division of Motor Vehicles shall use the fees  
6 collected for the payment of the costs and expenses necessary for the administration of this  
7 article.

8 **§17H-1-4. Agent.**

9 A TNC shall maintain an agent for service of process in the state of West Virginia.

10 **§17H-1-5. Fare charged for services.**

11 A TNC may charge a fare for the TNC services provided to passengers: *Provided*, That if  
12 a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website  
13 or within the software application service. The TNC shall also provide passengers with the  
14 applicable rates being charged and the option to receive an estimated fare before the passenger  
15 enters the TNC driver's vehicle.

16 **§17H-1-6. Identification of TNC vehicles and drivers.**

17 The TNC's software application or website shall display a picture of the TNC driver, and  
18 the license plate number of the motor vehicle to be used for providing the TNC service before the  
19 passenger enters the TNC driver's vehicle.

20 **§17H-1-7. Electronic receipt.**

21 Within a reasonable period of time following the completion of a trip, a TNC shall

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1 transmit an electronic receipt to the passenger that lists:

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

5 **§17H-1-8. TNC and TNC driver insurance requirements.**

6 (a) TNCs and TNC drivers shall comply with the automobile liability insurance  
7 requirements of this section.

8 (b) The following automobile liability insurance requirements apply during the time that a  
9 TNC driver is logged into the TNC's digital network and available to receive requests for  
10 transportation, but is not providing TNC services.

11 (1) Primary automobile insurance that covers the driver and recognizes that such driver is  
12 a transportation network company driver or otherwise uses the covered vehicle to transport  
13 passengers for compensation.

14 (2) The primary automobile liability insurance required in subdivision (1) of this  
15 subsection shall meet at least the minimum coverage requirements of section two, article four,  
16 chapter seventeen-d and subsection (b), section thirty-one, article six, chapter thirty-three, both of  
17 this code: *Provided*, That the minimum coverage shall not be less than the amount of \$50,000  
18 because of bodily injury to or death of one person in any one accident, and, subject to said limit  
19 for one person, in the amount of \$100,000 because of bodily injury to or death of two or more  
20 persons in any one accident, and in the amount of \$25,000 because of injury to or destruction of  
21 property of others in any one accident.

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1 (3) The automobile liability insurance required in subsection (b) of this section may be  
2 satisfied by any of the following:

3 (A) Automobile liability insurance maintained by the TNC driver; or

4 (B) Automobile liability insurance maintained by the TNC; or

5 (C) Any combination of paragraphs (A) and (B).

6 (c) While a TNC driver is providing TNC services, the TNC shall:

7 (1) Provide primary automobile liability insurance that recognizes the TNC driver's  
8 provision of TNC services;

9 (2) Provide automobile liability insurance of at least \$1 million for death, personal injury  
10 and property damage;

11 (3) Provide uninsured motorist coverage as required by subsection (b), section thirty-one,  
12 article six, chapter thirty-three of this code;

13 (4) The coverage requirements of this subsection may be satisfied by any of the  
14 following:

15 (A) Automobile liability insurance maintained by the TNC driver; or

16 (B) Automobile liability insurance maintained by the TNC; or

17 (C) Any combination of paragraphs (A) and (B).

18 (d) In every instance where insurance maintained by a TNC driver to fulfill the insurance  
19 requirements of this section has lapsed, failed to provide the required coverage, denied a claim  
20 for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall  
21 provide the coverage required by this section beginning with the first dollar of a claim.

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1 (e) Insurance required by this section may be placed with an insurer authorized to do  
2 business in this state or with a surplus lines insurer eligible under section five, article twelve-c,  
3 chapter thirty-three of this code.

4 (f) Insurance required by this section satisfies the financial responsibility requirement for  
5 a motor vehicle under article four, chapter seventeen-d of this code.

6 **§17H-1-9. TNC and insurer disclosure requirements.**

7 (a) The TNC shall disclose in writing to TNC drivers the following before they are  
8 allowed to accept a request for TNC services on the TNC's digital network:

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

11 (2) That the TNC driver's own insurance policy, depending on its terms, may not provide  
12 coverage while the TNC driver uses a vehicle in connection with a TNC's digital network; and

13 (3) That the TNC driver should identify each vehicle used to provide TNC services to his  
14 or her insurer.

15 (b) In a claims coverage investigation, the TNC's insurer and any insurer providing  
16 coverage under this section shall cooperate to facilitate the exchange of information, including  
17 the precise times that a TNC driver logged on and off of the TNC's digital network in the twenty-  
18 four-hour period immediately preceding the accident and disclose to one another a clear  
19 description of the coverage, exclusions and limits provided under any insurance policy each party  
20 issued or maintained.

21 **§17H-1-10. Zero tolerance for drug or alcohol use.**

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

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

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

13 **§17H-1-11. TNC driver requirements.**

14 (a) Prior to permitting an individual to act as a TNC driver on its digital platform, the  
15 TNC shall:

16 (1) Require the individual to submit an application to the TNC, which includes  
17 information regarding his or her address, age, driver’s license, driving history, motor vehicle  
18 registration, automobile liability insurance and other information required by the TNC;

19 (2) Conduct, or have a third party conduct, a local and national criminal background  
20 check for each applicant that shall include review of a:

21 (A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial



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1 nationwide database with validation (primary source search); and

2 (B) National Sex Offender Registry database;

3 (3) Obtain and review a driving history research report for the applicant.

4 (b) The TNC shall deny the application an individual to act as a TNC driver on its digital  
5 platform who:

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

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

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

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

14 (5) Does not possess proof of registration for the motor vehicles used to provide TNC  
15 services;

16 (6) Does not possess proof of automobile liability insurance for the motor vehicles used  
17 to provide TNC services; or

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

19 **§17H-1-12. Vehicle safety.**

20 The TNC shall require that any motor vehicle that a TNC driver will use to provide TNC  
21 services meets the inspection requirements of section four, article sixteen, chapter seventeen-c of

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1 this code or the inspection requirements of the state in which the motor vehicle is registered.

2 **§17H-1-13. Street hails prohibited.**

3 A TNC driver shall exclusively accept rides booked through a TNC’s digital network or  
4 software application service and may not solicit or accept street hails.

5 **§17H-1-14. No cash trips.**

6 The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments  
7 from passengers and notify TNC drivers of the policy. TNC drivers may not solicit or accept  
8 cash payments from passengers. A passenger may only pay for TNC services electronically using  
9 the TNC’s digital network or software application.

10 **§17H-1-15. No discrimination; accessibility.**

11 (a) The TNC shall adopt a policy of nondiscrimination on the basis of destination, race,  
12 color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or  
13 gender identity with respect to passengers and potential passengers and notify TNC drivers of the  
14 policy.

15 (b) TNC drivers shall comply with all applicable laws regarding nondiscrimination  
16 against passengers or potential passengers on the basis of destination, race, color, national origin,  
17 religious belief or affiliation, sex, disability, age, sexual orientation or gender identity.

18 (c) TNC drivers shall comply with all applicable laws relating to accommodation of  
19 service animals.

20 (d) A TNC shall not impose additional charges for providing TNC services to persons  
21 with physical disabilities because of those disabilities.

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1 (e) A TNC shall provide passengers an opportunity to indicate that they require a  
2 wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in  
3 any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible  
4 service, if available.

5 **§17H-1-16. Records.**

6 A TNC shall maintain:

7 (a) Individual trip records for at least one year from the date each trip was provided; and

8 (b) TNC driver records at least until the one-year anniversary of the date on which a TNC  
9 driver's activation on the TNC digital network has ended.

10 **§17H-1-17. Personally identifiable information.**

11 A TNC may not disclose a passenger's personally identifiable information to a third party  
12 unless: The passenger consents, disclosure is required by a legal obligation, disclosure is  
13 required to protect or defend the terms of use of the TNC service or to investigate violations of  
14 those terms. A TNC may also share a passenger's name and telephone number with the TNC  
15 driver providing TNC services to the passenger in order to facilitate correct identification of the  
16 passenger by the TNC driver or to facilitate communication between the passenger and the TNC  
17 driver.

18 **§17H-1-18. Rules; controlling authority.**

19 The Commissioner of the Division of Motor Vehicles may propose rules for legislative  
20 approval in accordance with the provisions of article three, chapter twenty-nine-a of this code  
21 relating to the implementation and exercise of the authority granted by this article and the

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1 oversight of TNCs and TNC drivers. Notwithstanding any other provision of law, TNCs and  
2 TNC drivers are governed exclusively by this article and any rules promulgated by the Division  
3 of Motor Vehicles consistent with this article. A municipality or other local entity may not  
4 impose a tax on, or require a license for, a TNC or TNC driver or subject a TNC to the  
5 municipality or other local entity's rate, entry, operational or other requirements.

6 **ARTICLE 2. TAXICAB COMPANIES.**

7 **§17H-2-1. Definitions.**

8 As used in this article:

9 (a) "Taxicab" means a motor vehicle equipped with at least (3) doors and having a seating  
10 capacity of less than 15 passengers.

11 (b) "Taxicab company" means an entity licensed pursuant to this article and operating in  
12 West Virginia that uses a dispatch system, hail system, digital network or software application  
13 service or any other means to connect passengers to taxicab company services provided by  
14 taxicab company drivers: *Provided*, That a taxicab company is not a transportation network  
15 company, pursuant to article one of this chapter.

16 (c) "Taxicab company driver" means an individual who operates a motor vehicle that is:

17 (1) Owned, leased or otherwise authorized for use by the individual; and

18 (2) Used to provide taxicab company services.

19 (d) "Taxicab company service" means transportation of a passenger between points  
20 chosen by the passenger and arranged with a taxicab company driver through the use of a taxicab  
21 company dispatch system, hail system, digital network or software application. Taxicab company

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1 services begin when a taxicab company driver accepts a request for transportation received  
2 through the taxicab company's dispatch system, hail system, digital network or software  
3 application service, continue while the taxicab company driver transports the passenger in the  
4 taxicab company driver's vehicle and end when the passenger exits the taxicab company driver's  
5 vehicle: *Provided*, That taxicab company service does not include transportation network service  
6 under article one of this chapter.

7 **§17H-2-2. Exemption from Public Service Commission regulation.**

8 On the effective date of this article, notwithstanding any other provisions of the laws of  
9 the state of West Virginia to the contrary, no taxicab company is subject to Public Service  
10 Commission jurisdiction under this code and is not subject to Public Service Commission motor  
11 carrier rules.

12 **§17H-2-3. Taxicab company permit required; permit fee.**

13 (a) A person may not operate a taxicab company in West Virginia without first having  
14 obtained a permit from the Division of Motor Vehicles pursuant to this article.

15 (b) The Division of Motor Vehicles shall issue a permit to each applicant that meets the  
16 requirements for a taxicab company set forth in this article and has paid an annual permit fee of  
17 \$5,000 to the Division of Motor Vehicles. Any fees collected under the provisions of this article  
18 shall be deposited into the Motor Vehicle Fees Fund established in accordance with section  
19 twenty-one, article two, chapter seventeen-a of this code. Fees collected shall be used by the  
20 Division of Motor Vehicles for the payment of the costs and expenses necessary for the  
21 administration of this article.

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1 **§17H-2-4. Agent.**

2 A taxicab company shall maintain an agent for service of process in the state of West  
3 Virginia.

4 **§17H-2-5. Fare charged for services.**

5 A taxicab company may charge a fare for the taxicab company services provided to  
6 passengers: *Provided*, That if a fare is charged, the taxicab company shall disclose to passengers  
7 the fare calculation method on its website or within the software application service. The taxicab  
8 company shall also provide passengers with the applicable rates being charged and the option to  
9 receive an estimated fare before the passenger enters the taxicab company driver's vehicle.

10 **§17H-2-6. Identification of taxicab company vehicles and drivers.**

11 The taxicab company's software application or website shall display a picture of the  
12 taxicab company driver, and the license plate number of the motor vehicle utilized for providing  
13 the taxicab company service before the passenger enters the taxicab company driver's vehicle  
14 when the passenger books a trip using a software system.

15 **§17H-2-7. Electronic receipt.**

16 When a passenger uses a software system, within a reasonable period of time following  
17 the completion of a trip, a taxicab company shall transmit an electronic receipt to the passenger  
18 that lists:

- 19 (a) The origin and destination of the trip;
- 20 (b) The total time and distance of the trip; and
- 21 (c) An itemization of the total fare paid, if any.

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1 **§17H-2-8. Insurance requirements for taxicab company and taxicab company drivers.**

2 (a) Taxicab company and taxicab company drivers shall comply with the automobile  
3 liability insurance requirements of this section.

4 (b) The following automobile liability insurance requirements apply during the time that a  
5 taxicab company driver is using his or her personal vehicle and logged into the taxicab  
6 company's digital network and available to receive requests for transportation, but is not  
7 providing taxicab company services.

8 (1) Primary automobile insurance that covers the driver and recognizes that such driver is  
9 a taxicab company driver or otherwise uses the covered vehicle to transport passengers for  
10 compensation.

11 (2) The primary automobile liability insurance required in subdivision (1) of this  
12 subsection shall meet at least the minimum coverage requirements of section two, article four,  
13 chapter seventeen-d and subsection (b), section thirty-one, article six, chapter thirty-three, both of  
14 this code: *Provided*, That the minimum coverage shall not be less than the amount of \$50,000  
15 because of bodily injury to or death of one person in any one accident, and, subject to said limit  
16 for one person, in the amount of \$100,000 because of bodily injury to or death of two or more  
17 persons in any one accident, and in the amount of \$25,000 because of injury to or destruction of  
18 property of others in any one accident.

19 (3) The automobile liability insurance required in subdivision (1) of this subsection may  
20 be satisfied by any of the following:

21 (A) Automobile liability insurance maintained by the taxicab company driver; or

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1 (B) Automobile liability insurance maintained by the taxicab company; or

2 (C) Any combination of paragraphs (A) and (B).

3 (c) While a taxicab company driver is providing taxicab company services while using his  
4 or her personal vehicle, the taxicab company shall:

5 (1) Provide primary automobile liability insurance that recognizes the taxicab company  
6 driver's provision of taxicab company services;

7 (2) Provide automobile liability insurance of at least \$1 million for death, personal injury  
8 and property damage;

9 (3) Provide uninsured motorist coverage as required by subsection (b), section thirty-one,  
10 article six, chapter thirty-three of this code;

11 (4) The coverage requirements of this subsection may be satisfied by any of the  
12 following:

13 (A) Automobile liability insurance maintained by the taxicab company driver; or

14 (B) Automobile liability insurance maintained by the taxicab company; or

15 (C) Any combination of paragraphs (A) and (B).

16 (d) In every instance where insurance maintained by a taxicab company driver to fulfill  
17 the insurance requirements of this section has lapsed, failed to provide the required coverage,  
18 denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a  
19 taxicab company shall provide the coverage required by this section beginning with the first  
20 dollar of a claim.

21 (e) The following automobile liability insurance requirements apply at all times for



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1 taxicabs owned by taxicab companies:

2 (1) A minimum of \$100,000 limit for bodily injuries to or death of one person;

3 (2) A minimum of \$200,000 limit for bodily injuries to or death of all persons injured or  
4 killed in any one accident;

5 (3) A minimum of \$25,000 limit for loss or damage in any one accident to property of  
6 others (excluding cargo).

7 (f) Insurance required by this section may be placed with an insurer authorized to do  
8 business in this state or with a surplus lines insurer eligible under section five, article twelve-c,  
9 chapter thirty-three of this code.

10 (g) Insurance required by this section satisfies the financial responsibility requirement for  
11 a motor vehicle under article four, chapter seventeen-d of this code.

12 **§17H-2-9. Taxicab company and insurer disclosure requirements.**

13 (a) The taxicab company shall disclose in writing to taxicab company drivers using their  
14 personal cars the following before they are allowed to accept a request for taxicab company  
15 services on the taxicab company's digital network:

16 (1) The insurance coverage and limits of liability that the taxicab company provides while  
17 the taxicab company driver uses a personal vehicle in connection with a taxicab company's  
18 digital network;

19 (2) That the taxicab company driver's own insurance policy may not provide coverage  
20 while the taxicab company driver uses a personal vehicle in connection with a taxicab company's  
21 digital network depending on its terms; and

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1 (3) That the taxicab company driver should identify each vehicle used to provide taxicab  
2 company services to his or her insurer.

3 (b) Insurers that write automobile liability insurance in West Virginia may:

4 (1) Exclude any and all coverage and the duty to defend afforded under the owner's  
5 insurance policy for any loss or injury that occurs while an insured vehicle provides or is  
6 available to provide taxicab company services, provided such exclusion is expressly set forth in  
7 the policy and approved for sale in West Virginia. This right to exclude coverage and the duty to  
8 indemnify and defend may apply to any coverage included in an automobile liability insurance  
9 policy including, but not limited to:

10 (A) Liability coverage for bodily injury and property damage;

11 (B) Uninsured and underinsured motorist coverage;

12 (C) Medical payments coverage;

13 (D) Comprehensive physical damage coverage; and

14 (E) Collision physical damage coverage.

15 (2) Notify an insured after a loss, and within the time required by subdivision (9), section  
16 four, article eleven, chapter thirty-three of this code, that the insurer has no duty to defend or  
17 indemnify any person or organization for liability for a loss that is properly excluded pursuant to  
18 the terms of the applicable primary or excess insurance policy.

19 (c) Insurers that write automobile liability insurance in West Virginia must disclose in the  
20 application process whether or not the insurance policy provides coverage while an insured  
21 vehicle provides or is available to provide taxicab company services. If an automobile liability

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1 insurance policy contains an exclusion for taxicab company services, the insurer or its agent must  
2 disclose in writing the exact language of such exclusion to the applicant during the application  
3 process.

4 (d) In a claims coverage investigation, the taxicab company's insurer and any insurer  
5 providing coverage under this section shall cooperate to facilitate the exchange of information,  
6 including the precise times that a taxicab company driver logged on and off of the taxicab  
7 company's digital network in the twenty-four-hour period immediately preceding the accident  
8 and disclose to one another a clear description of the coverage, exclusions and limits provided  
9 under any insurance policy each party issued or maintained.

10 **§17H-2-10. Zero tolerance for drug or alcohol use.**

11 (a) The taxicab company shall implement a zero tolerance policy on the use of drugs or  
12 alcohol while a taxicab company driver is providing taxicab company services or is logged into  
13 the taxicab company's digital network but is not providing taxicab company services, and shall  
14 provide notice of this policy on its website, as well as procedures to report a complaint about a  
15 driver with whom a passenger was matched and whom the passenger reasonably suspects was  
16 under the influence of drugs or alcohol during the course of the trip.

17 (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance  
18 policy, the taxicab company shall immediately suspend such taxicab company driver's access to  
19 the taxicab company's digital platform, and shall conduct an investigation into the reported  
20 incident. The suspension shall last the duration of the investigation.

21 (c) The taxicab company shall maintain records relevant to the enforcement of this

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1 requirement for a period of at least two years from the date that a passenger complaint is received  
2 by the taxicab company.

3 **§17H-2-11. Taxicab company driver requirements.**

4 (a) Prior to permitting an individual to act as a taxicab company driver on its dispatch  
5 system, hail system or digital platform, the taxicab company shall:

6 (1) Require the individual to submit an application to the taxicab company, which  
7 includes information regarding his or her address, age, driver's license, driving history, motor  
8 vehicle registration, automobile liability insurance and other information required by the taxicab  
9 company;

10 (2) Conduct, or have a third party conduct, a local and national criminal background  
11 check for each applicant that shall include review of a:

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

14 (B) National Sex Offender Registry database;

15 (3) Obtain and review a driving history research report for such individual.

16 (b) The taxicab company may not permit an individual to act as a taxicab company driver  
17 on its digital platform who:

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

21 (2) Has been convicted, within the past seven years, of driving under the influence of

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1 drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime  
2 involving property damage, theft, acts of violence, or acts of terror;

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

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

5 (5) Does not possess proof of registration for the motor vehicles used to provide taxicab  
6 company services;

7 (6) Does not possess proof of automobile liability insurance for the motor vehicles used  
8 to provide taxicab company services; or

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

10 **§17H-2-12. Vehicle safety and emissions.**

11 The taxicab company shall require that any motor vehicle that a taxicab company driver  
12 will use to provide taxicab company services meets the inspection requirements of section four,  
13 article sixteen, chapter seventeen-c of this code or the inspection requirements of the state in  
14 which the motor vehicle is registered.

15 **§17H-2-13. Street hails.**

16 A taxicab company driver may accept rides booked through a taxicab company's dispatch  
17 system, digital network or software application service and may solicit or accept street hails.

18 **§17H-2-14. Cash trips.**

19 Taxicab company drivers may solicit or accept cash payments from passengers.

20 **§17H-2-15. No discrimination; accessibility.**

21 (a) The taxicab company shall adopt a policy of nondiscrimination on the basis of

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1 destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual  
2 orientation or gender identity with respect to passengers and potential passengers and notify  
3 taxicab company drivers of such policy.

4 (b) Taxicab company drivers shall comply with all applicable laws regarding  
5 nondiscrimination against passengers or potential passengers on the basis of destination, race,  
6 color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or  
7 gender identity.

8 (c) Taxicab company drivers shall comply with all applicable laws relating to  
9 accommodation of service animals.

10 (d) A taxicab company shall not impose additional charges for providing taxicab  
11 company services to persons with physical disabilities because of those disabilities.

12 (e) A taxicab company shall provide passengers an opportunity to indicate whether they  
13 require a wheelchair-accessible vehicle. If a taxicab company cannot arrange  
14 wheelchair-accessible taxicab company service in any instance, it shall direct the passenger to an  
15 alternate provider of wheelchair-accessible service, if available.

16 **§17H-2-16. Records.**

17 A taxicab company shall maintain:

18 (a) Individual trip records for at least one year from the date each trip was provided; and

19 (b) Taxicab company driver records at least until the one-year anniversary of the date on  
20 which a taxicab company driver's activation on the taxicab company digital network has ended.

21 **§17H-2-17. Personally identifiable information.**

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1           A taxicab company may not disclose a passenger’s personally identifiable information to  
2 a third party unless: The passenger consents, disclosure is required by a legal obligation,  
3 disclosure is required to protect or defend the terms of use of the taxicab company service or to  
4 investigate violations of those terms. In addition to the foregoing, a taxicab company is permitted  
5 to share a passenger’s name and/or telephone number with the taxicab company driver providing  
6 taxicab company services to such passenger in order to facilitate correct identification of the  
7 passenger by the taxicab company driver or to facilitate communication between the passenger  
8 and the taxicab company driver.

9   **§17H-2-18. Rules; controlling authority.**

10           The Commissioner of the Division of Motor Vehicles may propose rules for legislative  
11 approval in accordance with the provisions of article three, chapter twenty-nine-a of this code  
12 relating to the implementation and exercise of the authority granted by this article and the  
13 oversight of taxicab companies and taxicab company drivers. Notwithstanding any other  
14 provision of law, taxicab companies and taxicab company drivers are governed exclusively by  
15 this article and any rules promulgated by the Division of Motor Vehicles consistent with this  
16 article. No municipality or other local entity may impose a tax on, or require a license for, a  
17 taxicab company or taxicab company driver or subject a taxicab company to the municipality or  
18 other local entity’s rate, entry, operational or other requirements.

19   **§17H-2-19. Workers compensation.**

20           Companies providing service under this article with drivers who are independent  
21 contractors shall not be subject to workers compensation insurance.

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NOTE: The purpose of this bill is to regulate taxicab companies by statute and to remove regulation of taxicabs from the authority of the Public Service Commission.

§17H-2-1, §17H-2-2, §17H-2-3, §17H-2-4, §17H-2-5, §17H-2-6, §17H-2-7, §17H-2-8, §17H-2-9, §17H-2-10, §17H-2-11, §17H-2-12, §17H-2-13, §17H-2-14, §17H-2-15, §17H-2-16, §17H-2-17, §17H-2-18 and §17H-2-19 are new; therefore, strike-throughs and underscoring have been omitted.