

ENGROSSED

**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, §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 and §17H-2-18, all relating to regulation of transportation

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network companies and regulation of taxicab companies; defining terms; establishing a 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 Division of Motor Vehicles to propose rules for legislative approval; exempting taxicab companies from the regulatory jurisdiction of Public Service Commission; establishing a permit and permit fee; establishing requirements relating to insurance, disclosures, taxicab companies and its drivers, safety and records; limiting controlling authority; and permitting Commissioner of 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-

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13, §17H-1-14, §17H-1-15, §17H-1-16, §17H-1-17, §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 and §17H-2-18, 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  
3 entity licensed pursuant to this article and operating in West  
4 Virginia that uses a digital network or software application service  
5 to connect passengers to transportation network company services  
6 provided by transportation network company drivers. A TNC is not  
7 deemed to own, control, operate or manage the vehicles used by  
8 TNC drivers and is not a taxicab company or a for-hire vehicle  
9 owner.

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

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

5 (2) Not a taxicab; and

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

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

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

19 TNCs or TNC drivers are not common carriers by motor

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1 vehicle or contract carriers by motor vehicle, or motor carriers, as  
2 defined in section two, article one, chapter twenty-four-a of this  
3 code, nor do they provide taxicab service. It is the express intent of  
4 this Legislature to exclude and exempt TNCs and TNC drivers from  
5 regulation of the Public Service Commission.

6 **§17H-1-3. TNC permit required; permit fee; and use of fees.**

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

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

19 **§17H-1-4. Agent.**

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

3 **§17H-1-5. Fare charged for services.**

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

11 **§17H-1-6. Identification of TNC vehicles and drivers.**

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

16 **§17H-1-7. Electronic receipt.**

17           Within a reasonable period of time following the  
18 completion of a trip, a TNC shall transmit an electronic receipt to  
19 the passenger that lists:

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

4 **§17H-1-8. TNC and TNC driver insurance requirements.**

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

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

11 (1) Primary automobile insurance recognizes that the driver  
12 is a transportation network company driver and covers the driver's  
13 provision of TNC services while the driver is logged into the TNC's  
14 digital network.

15 (2) The primary automobile liability insurance required in  
16 subdivision (1) of this subsection shall meet at least the minimum  
17 coverage requirements of section two, article four, chapter  
18 seventeen-d and subsection (b), section thirty-one, article six,  
19 chapter thirty-three, both of this code: *Provided*, That the minimum

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1 coverage shall not be less than the amount of \$50,000 because of  
2 bodily injury to or death of one person in any one accident, and,  
3 subject to said limit for one person, in the amount of \$100,000  
4 because of bodily injury to or death of two or more persons in any  
5 one accident, and in the amount of \$25,000 because of injury to or  
6 destruction of property of others in any one accident.

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

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

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

14 (C) Any combination of subparagraphs (A) and (B).

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

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

19 (2) Provide automobile liability insurance of at least \$1

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1 million for death, personal injury and property damage;

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

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

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

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

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

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

18           (e) Insurance required by this section may be placed with an  
19 insurer authorized to do business in this state or with a surplus lines

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1 insurer eligible under section five, article twelve-c, chapter thirty-  
2 three of this code.

3 (f) Insurance required by this section satisfies the financial  
4 responsibility requirement for a motor vehicle under article four,  
5 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  
8 following before they are allowed to accept a request for TNC  
9 services on the TNC's digital network:

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

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

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

18 (b) In a claims coverage investigation, the TNC's insurer  
19 and any insurer providing coverage under this section shall

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1 cooperate to facilitate the exchange of information, including the  
2 precise times that a TNC driver logged on and off of the TNC's  
3 digital network in the 24-hour period immediately preceding the  
4 accident and disclose to one another a clear description of the  
5 coverage, exclusions and limits provided under any insurance  
6 policy each party issued or maintained.

7 **§17H-1-10. Zero tolerance for drug or alcohol use.**

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

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

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1 suspension shall last the duration of the investigation.

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

5 **§17H-1-11. TNC driver requirements.**

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

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

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

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

19 (B) National Sex Offender Registry database;

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

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

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

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

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

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

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

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

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

2 **§17H-1-12. Vehicle safety.**

3 The TNC shall require that any motor vehicle that a TNC  
4 driver will use to provide TNC services meets the inspection  
5 requirements of section four, article sixteen, chapter seventeen-c of  
6 this code or the inspection requirements of the state in which the  
7 motor vehicle is registered.

8 **§17H-1-13. Street hails prohibited.**

9 A TNC driver shall exclusively accept rides booked through  
10 a TNC's digital network or software application service and may  
11 not solicit or accept street hails.

12 **§17H-1-14. No cash trips.**

13 The TNC shall adopt a policy prohibiting solicitation or  
14 acceptance of cash payments from passengers and notify TNC  
15 drivers of the policy. TNC drivers may not solicit or accept cash  
16 payments from passengers. Any payment for TNC services shall be  
17 made only electronically using the TNC's digital network or  
18 software application.

19 **§17H-1-15. No discrimination; accessibility.**

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

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

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

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

16 (e) A TNC shall provide passengers an opportunity to  
17 indicate that they require a wheelchair-accessible vehicle. If a TNC  
18 cannot arrange wheelchair-accessible TNC service in any instance,  
19 it shall direct the passenger to an alternate provider of wheelchair-

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1 accessible service, if available.

2 **§17H-1-16. Records.**

3 A TNC shall maintain:

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

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

9 **§17H-1-17. Personally identifiable information.**

10 A TNC may not disclose a passenger's personally  
11 identifiable information to a third party unless: The passenger  
12 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  
14 to investigate violations of those terms. A TNC may also share a  
15 passenger's name and telephone number with the TNC driver  
16 providing TNC services to the passenger in order to facilitate  
17 correct identification of the passenger by the TNC driver or to  
18 facilitate communication between the passenger and the TNC  
19 driver.

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

2           The Commissioner of the Division of Motor Vehicles may  
3 propose rules for legislative approval in accordance with the  
4 provisions of article three, chapter twenty-nine-a of this code  
5 relating to the implementation and exercise of the authority granted  
6 by this article and the oversight of TNCs and TNC drivers.  
7 Notwithstanding any other provision of law, TNCs and TNC drivers  
8 are governed exclusively by this article and any rules promulgated  
9 by the Division of Motor Vehicles consistent with this article. A  
10 municipality or other local entity may not impose a tax on, or  
11 require a license for, a TNC or TNC driver or subject a TNC to the  
12 municipality or other local entity's rate, entry, operational or other  
13 requirements.

**14 ARTICLE 2. TAXICAB COMPANIES.**

**15 §17H-2-1. Definitions.**

16           As used in this article:

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

19           (b) "Taxicab company" means an entity licensed pursuant

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1 to this article and operating in West Virginia that uses a dispatch  
2 system, hail system, digital network or software application service  
3 or any other means to connect passengers to taxicab services  
4 provided by taxicab drivers or individual taxicab drivers. A taxicab  
5 company is not a transportation network company, pursuant to  
6 chapter seventeen-h of this code.

7 (c) “Taxicab driver” or “TD” means an individual who  
8 operates a motor vehicle that is owned or leased by the taxicab  
9 company.

10 (d) “Individual taxicab driver” or “ITD” means an  
11 individual operating his own vehicle in connection with a taxicab  
12 company’s dispatch system, hail system, digital network or software  
13 application service.

14 (e) “Taxicab service” means transportation of a passenger  
15 between points chosen by the passenger and arranged with a TD or  
16 ITD through the use of a taxicab company dispatch system, hail  
17 system, digital network or software application. Taxicab services  
18 begin when a TD or ITD accepts a request for transportation  
19 received through the taxicab company’s dispatch system, hail

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1 system, digital network or software application service, continue  
2 while the TD or ITD transports the passenger in the TD's or ITD's  
3 vehicle, and end when the passenger exits the TD's or ITD's  
4 vehicle. Taxicab service does not include transportation network  
5 service under this chapter.

6 **§17H-2-2. Exemption from Public Service Commission**  
7 **regulation.**

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

13 **§17H-2-3. Taxicab company permit required; permit fee.**

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

17         (b) The Division of Motor Vehicles shall issue a permit to  
18 each applicant that meets the requirements for a taxicab company  
19 set forth in this article and has paid an annual permit fee of \$5,000

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1 to the Division of Motor Vehicles. Any fees collected under the  
2 provisions of this article shall be deposited into the Motor Vehicle  
3 Fees Fund established in accordance with section twenty-one,  
4 article two, chapter seventeen-a of this code. Fees collected shall be  
5 used by the Division of Motor Vehicles for the payment of the costs  
6 and expenses necessary for the administration of this article.

7 **§17H-2-4. Agent.**

8 A taxicab company shall maintain an agent for service of  
9 process in the State of West Virginia.

10 **§17H-2-5. Fare charged for services.**

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

19 **§17H-2-6. Identification of taxicab company vehicles and**

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1 **drivers.**

2           The taxicab company's software application or website  
3 shall display a picture of the TD or ITD and the license plate  
4 number of the motor vehicle utilized for providing the taxicab  
5 service before the passenger enters the TD's or ITD's vehicle when  
6 the passenger books a trip using a software system.

7 **§17H-2-7. Electronic receipt.**

8           When a passenger uses a software system, within a  
9 reasonable period of time following the completion of a trip, a  
10 taxicab company shall transmit an electronic receipt to the  
11 passenger that lists:

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

15 **§17H-2-8. Insurance requirements for taxicab company and TD**  
16 **and ITD.**

17           (a) Taxicab company and TDs and ITDs shall comply with  
18 the automobile liability insurance requirements of this section.

19           (b) The following automobile liability insurance

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1 requirements apply during the time that an ITD is using his or her  
2 personal vehicle and logged into the taxicab company's digital  
3 network and available to receive requests for transportation, but is  
4 not providing taxicab services.

5 (1) Primary automobile insurance recognizes that the driver  
6 is an ITD and covers the driver's provision of TNC services while  
7 the driver is logged into the taxicab service's digital network.

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

19 (3) The automobile liability insurance required in

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1 subdivision (1) of this subsection may be satisfied by any of the  
2 following:

3 (A) Automobile liability insurance maintained by the TD or  
4 ITD; or

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

7 (C) Any combination of paragraphs (A) and (B) of this  
8 subdivision.

9 (c) While an ITD is providing taxicab services while using  
10 his or her personal vehicle, the taxicab company shall:

11 (1) Provide primary automobile liability insurance that  
12 recognizes the ITD's provision of taxicab services;

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

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

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

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1 (A) Automobile liability insurance maintained by the ITD;

2 or

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

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

7 (d) In every instance where insurance maintained by the  
8 ITD to fulfill the insurance requirements of this section has lapsed,  
9 failed to provide the required coverage, denied a claim for the  
10 required coverage or otherwise ceased to exist, insurance  
11 maintained by a taxicab company shall provide the coverage  
12 required by this section beginning with the first dollar of a claim.

13 (e) The following automobile liability insurance  
14 requirements apply at all times for taxicabs owned or leased by  
15 taxicab companies:

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

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

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

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

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

10 **§17H-2-9. Taxicab company and insurer disclosure**  
11 **requirements.**

12           (a) The taxicab company shall disclose in writing to ITDs  
13 the following before they are allowed to accept a request for taxicab  
14 services on the taxicab company's digital network:

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

18           (2) That the ITD's own insurance policy may not provide  
19 coverage while the ITD uses a personal vehicle in connection with

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1 a taxicab company's digital network depending on its terms; and

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

4 (b) In a claims coverage investigation, taxicab company's  
5 and any insurer providing coverage under this section shall  
6 cooperate to facilitate the exchange of information, including the  
7 precise times that a TD or ITD logged on and off of the taxicab  
8 company's digital network in the 24-hour period immediately  
9 preceding the accident and disclose to one another a clear  
10 description of the coverage, exclusions and limits provided under  
11 any insurance policy each party issued or maintained.

12 **§17H-2-10. Zero tolerance for drug or alcohol use.**

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

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1 the influence of drugs or alcohol during the course of the trip.

2 (b) Upon receipt of such passenger complaint alleging a  
3 violation of the zero tolerance policy, the taxicab company shall  
4 immediately suspend such TD's or ITD's access to the taxicab  
5 company's digital platform and shall conduct an investigation into  
6 the reported incident. The suspension shall last the duration of the  
7 investigation.

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

12 **§17H-2-11. Taxicab driver and individual taxicab driver**  
13 **requirements.**

14 (a) Prior to permitting an individual to act as a TD or ITD  
15 on its dispatch system, hail system or digital platform, the taxicab  
16 company shall:

17 (1) Require the individual to submit an application to the  
18 taxicab company, which includes information regarding his or her  
19 address, age, driver's license, driving history, motor vehicle

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1 registration, automobile liability insurance and other information  
2 required by the taxicab company;

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

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

9 (B) National Sex Offender Registry database;

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

12 (b) The taxicab company may not permit an individual to  
13 act as a TD or ITD on its digital platform who:

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

18 (2) Has been convicted, within the past seven years, of  
19 driving under the influence of drugs or alcohol, fraud, sexual

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1 offenses, use of a motor vehicle to commit a felony, a crime  
2 involving property damage, and/or theft, acts of violence or acts of  
3 terror;

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

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

7 (5) Does not possess proof of registration for the motor  
8 vehicle(s) used to provide taxicab services;

9 (6) Does not possess proof of automobile liability insurance  
10 for the motor vehicle(s) used to provide taxicab services; or

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

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

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

18 **§17H-2-13. Street hails.**

19 An ITD driver shall exclusively accept rides booked

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1 through a taxicab company's dispatch system, hail system or digital  
2 platform and may not solicit or accept street hails. Only TDs may  
3 solicit or accept street hails.

4 **§17H-2-14. Cash trips.**

5 TDs and ITDs may solicit or accept cash payments from  
6 passengers.

7 **§17H-2-15. No discrimination; accessibility.**

8 (a) The taxicab company shall adopt a policy of  
9 nondiscrimination on the basis of destination, race, color, national  
10 origin, religious belief or affiliation, sex, disability, age, sexual  
11 orientation or gender identity with respect to passengers and  
12 potential passengers and notify TDs and ITDs of such policy.

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

18 (c) TDs and ITDs shall comply with all applicable laws  
19 relating to accommodation of service animals.

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

4 (e) A taxicab company shall provide passengers an  
5 opportunity to indicate whether they require a  
6 wheelchair-accessible vehicle. If a taxicab company cannot arrange  
7 wheelchair-accessible taxicab service in any instance, it shall direct  
8 the passenger to an alternate provider of wheelchair-accessible  
9 service, if available.

10 **§17H-2-16. Records.**

11 A taxicab company shall maintain:

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

14 (b) TD or ITD records at least until the one-year  
15 anniversary of the date on which a TD's or ITD's activation on the  
16 taxicab company digital network has ended.

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

18 A taxicab company may not disclose a passenger's  
19 personally identifiable information to a third party unless: The

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1 passenger consents, disclosure is required by a legal obligation,  
2 disclosure is required to protect or defend the terms of use of the  
3 taxicab service or to investigate violations of those terms. In  
4 addition to the foregoing, a taxicab company is permitted to share  
5 a passenger's name and/or telephone number with the TD or ITD  
6 providing taxicab services to such passenger in order to facilitate  
7 correct identification of the passenger by the TD or ITD or to  
8 facilitate communication between the passenger and the TD or ITD.

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

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

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- 1 TD or ITD or subject a taxicab company to the municipality or
- 2 other local entity's rate, entry, operational or other requirements.