

1 HOUSE BILL NO. 924
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee on Transportation
 4 on _____)
 5 (Patron Prior to Substitute--Delegate Srinivasan)

6 A BILL to amend and reenact § 46.2-2099.48 of the Code of Virginia and to amend the Code of Virginia
 7 by adding in Article 15 of Chapter 20 of Title 46.2 a section numbered 46.2-2099.54, relating to
 8 transportation network companies; publishing and disclosure requirements.

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That § 46.2-2099.48 of the Code of Virginia is amended and reenacted and that the Code of**
 11 **Virginia is amended by adding in Article 15 of Chapter 20 of Title 46.2 a section numbered 46.2-**
 12 **2099.54 as follows:**

13 **§ 46.2-2099.48. General operational requirements for transportation network companies and**
 14 **TNC partners.**

15 A. A transportation network company and a TNC partner shall provide passenger transportation
 16 only on a prearranged basis and only by means of a digital platform that enables passengers to connect
 17 with TNC partners using a TNC partner vehicle. No TNC partner shall transport a passenger unless a
 18 transportation network company has matched the TNC partner to that passenger through the digital
 19 platform. A TNC partner shall not provide transportation in any other manner. A TNC partner shall not
 20 solicit, accept, or arrange transportation except through a transportation network company's digital
 21 platform or through a TNC broker.

22 B. A transportation network company shall authorize collection of fares for transporting
 23 passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly
 24 from a passenger or any other person prearranging a ride or by any means other than electronically via a
 25 digital platform, unless:

26 1. The ride is booked by a transit system, with a transportation network company with which it has
27 a contract, on behalf of an eligible paratransit passenger;

28 2. The fare is a defined amount, as published by the transit system, and is communicated to the
29 passenger in advance;

30 3. The transportation network company specifically authorizes over the digital network the TNC
31 partner to collect cash for the fare, and that authorization includes the amount to be collected. The
32 transportation network company's digital platform shall provide the TNC partner with a method to
33 acknowledge receipt of the fare when it is collected;

34 4. The passenger receives a receipt for the fare paid; and

35 5. The transit system receives a receipt and full accounting of cash fares monthly, or on demand,
36 through the transportation network company's account dashboard.

37 C. A transportation network company with knowledge that a TNC partner has violated the
38 provisions of subsection A or B shall remove the TNC partner from the transportation network company's
39 digital platform for at least one year.

40 D. A transportation network company shall publish the following information on its public website
41 and associated digital platform:

42 1. The method used to calculate fares or the applicable rates being charged and an option to receive
43 an estimated fare;

44 2. Information about its TNC partner screening criteria, including a description of the offenses that
45 the transportation network company will regard as grounds for disqualifying an individual from acting as
46 a TNC partner;

47 3. The means for a passenger or other person to report a TNC partner reasonably suspected of
48 operating a TNC partner vehicle under the influence of drugs or alcohol;

49 4. Information about the company's training and testing policies for TNC partners;

50 5. Information about the company's standards for TNC partner vehicles; and

51 6. A customer support telephone number or email address and instructions regarding any
52 alternative methods for reporting a complaint.

53 7. Separate weekly reports on the average fare collected, total hours worked, and percentage earned
54 by TNC partners for each market area in which such delivery network company operates.

55 E. A transportation network company shall associate a TNC partner with one or more personal
56 vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically associated
57 with a TNC partner by the transportation network company. The transportation network company shall
58 arrange transportation solely for previously associated TNC partners and TNC partner vehicles. A TNC
59 partner shall not transport passengers except in a TNC partner vehicle associated with the TNC partner by
60 the transportation network company.

61 F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage
62 under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and
63 each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present
64 such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner
65 and operator, an official of the Washington Metropolitan Area Transit Commission, or any person
66 involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation
67 network company shall require the TNC partner's compliance with the provisions of this subsection.

68 G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall
69 provide through the digital platform to the person prearranging the ride the first name and a photograph
70 of the TNC partner, the make and model of the TNC partner vehicle, and the license plate number of the
71 TNC partner vehicle.

72 H. A transportation network company shall provide to each of its TNC partners a credential, which
73 may be displayed as part of the digital platform, that includes the following information:

- 74 1. The name or logo of the transportation network company;
- 75 2. The name and a photograph of the TNC partner; and
- 76 3. The make, model, and license plate number of each TNC partner vehicle associated with the
77 TNC partner and the state issuing each such license plate.

78 The TNC partner shall carry the credential at all times during the operation of a TNC partner
79 vehicle and shall present the credential upon request to law-enforcement officers, airport owners and

80 operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The
81 transportation network company shall require the TNC partner's compliance with this subsection.

82 I. A transportation network company and its TNC partner shall, at all times during a prearranged
83 ride, make the following information available through its digital platform immediately upon request to
84 representatives of the Department, to law-enforcement officers, to officials of the Washington
85 Metropolitan Area Transit Commission, and to airport owners and operators:

86 1. The name of the transportation network company;

87 2. The name of the TNC partner and the identification number issued to the TNC partner by the
88 transportation network company;

89 3. The license plate number of the TNC partner vehicle and the state issuing such license plate;
90 and

91 4. The location, date, and approximate time that each passenger was or will be picked up.

92 J. Upon completion of a prearranged ride, a transportation network company shall transmit to the
93 person who prearranged the ride an electronic receipt that includes:

94 1. A map of the route taken;

95 2. The date and the times the trip began and ended;

96 3. The total fare, including the base fare and any additional charges incurred for distance traveled
97 or duration of the prearranged ride;

98 4. The TNC partner's first name and photograph; and

99 5. Contact information by which additional support may be obtained.

100 K. The transportation network company shall adopt and enforce a policy of nondiscrimination on
101 the basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

102 TNC partners shall comply with all applicable laws regarding nondiscrimination against
103 passengers or potential passengers.

104 A transportation network company shall provide passengers an opportunity to indicate whether
105 they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange

106 wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to an
107 alternate provider of wheelchair-accessible service, if available.

108 A transportation network company shall not impose additional charges for providing services to
109 persons with disabilities because of those disabilities.

110 TNC partners shall comply with all applicable laws relating to accommodation of service animals.

111 A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including
112 any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the
113 passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the
114 TNC partner has already committed to providing a ride for another passenger.

115 A TNC partner shall immediately report to the transportation network company any refusal to
116 transport a passenger after accepting a request to transport that passenger.

117 L. No transportation network company or TNC partner shall conduct any operation on the property
118 of or into any airport unless such operation is authorized by the airport owner and operator and is in
119 compliance with the rules and regulations of that airport. The Department may take action against a
120 transportation network company that violates any regulation of an airport owner and operator, including
121 the suspension or revocation of the transportation network company's certificate.

122 M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with
123 traffic laws of the Commonwealth.

124 N. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13
125 hours in any 24-hour period.

126 **§ 46.2-2099.54. Required disclosures to TNC partners.**

127 For purposes of this section:

128 "Deactivation process" means conduct that a transportation network company engages in to
129 materially restrict a TNC partner's access to the digital platform, including blocking access to the digital
130 platform, suspending a TNC partner, or changing a TNC partner's status from eligible to ineligible to
131 provide transportation services for the transportation network company.

132 "Fare" means the total amount actually paid by the consumer in a transaction.

133 "Nonlinear compensation system" means an offer of compensation (i) that features hidden
134 algorithms rather than a transparent per-mile, per-minute, or per-trip pay system or (ii) that a transportation
135 network company makes to a TNC partner based on the number or type of delivery or transportation tasks
136 that the TNC partner performs within a certain period of time or in a consecutive manner, including a
137 bonus or payment scheme described as a "quest" or "ride challenge" or other temporary payment scheme.

138 A transportation network company shall disclose to TNC partners the use of any nonlinear
139 compensation system and details about the transportation network company's deactivation process for
140 TNC partners. Transportation network companies shall also provide each TNC partner with a weekly
141 report that includes the average fare collected, total hours worked, and total amount earned by such TNC
142 partner that week.

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