

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1614

By: Henke and Sherrer of the
House

4 and

5 Smalley of the Senate

6
7
8 [motor vehicles - enacting the Oklahoma
9 Transportation Network Company Services Act -
10 regulating transportation network companies,
11 services and drivers - effective date]

12
13
14 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

15
16 An Act relating to motor vehicles; creating the
Oklahoma Transportation Network Company Services Act;
17 providing short title; defining terms; requiring
permit for Transportation Network Companies;
18 authorizing the Corporation Commission to regulate
companies; authorizing fee for permit; authorizing
19 Commission to promulgate rules; limiting authority of
Commission; authorizing Commission to examine records
20 of companies; providing penalties for noncompliance;
requiring companies to maintain agent for process
21 service purpose; authorizing companies to charge
fares for service; stating requirements for
22 providers; stating procedures for electronic records;
requiring certain zero-tolerance drug and alcohol
23 policy; stating penalties for violation; stating
requirements for Transportation Network Company
24 drivers; stating requirements for vehicles; stating
policies for accepting certain rides and passengers;

1 requiring certain nondiscrimination policies;
2 requiring companies to maintain certain records for
3 certain time periods; requiring company drivers to
4 maintain certain insurance coverage and financial
5 responsibility; requiring proof of coverage; stating
6 policies for disclosure of insurance coverage;
7 authorizing exclusion of coverage by certain
8 automobile insurance providers; stating procedure for
9 certain insurance claims; prohibiting disclosure of
10 certain passenger information; stating exceptions;
11 providing for exclusive jurisdiction; providing for
12 codification; providing an effective date; and
13 declaring an emergency.

14
15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1010 of Title 47, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Transportation Network Company Services Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1011 of Title 47, unless there
is created a duplication in numbering, reads as follows:

As used in the Oklahoma Transportation Network Company Services
Act:

1. "Digital network" means any online-enabled application,
software, website or system offered or utilized by a TNC that
enables the prearrangement of rides with TNC drivers;

1 2. "Personal vehicle" means a vehicle that is used by a TNC
2 driver in connection with providing prearranged rides and is:

- 3 a. owned, leased or otherwise authorized for use by the
4 TNC driver, and
5 b. not a taxicab, limousine, or other similar for-hire
6 motor carrier service.

7 3. "Prearranged ride" means the provision of transportation by
8 a driver to a rider, beginning when a driver accepts a ride
9 requested by a rider through a Digital Network controlled by a
10 Transportation Network Company, continuing while the driver
11 transports a requesting rider, and ending when the last requesting
12 rider departs from the personal vehicle. A prearranged ride does
13 not include shared expense carpool or vanpool arrangements or
14 transportation provided using a taxi, limousine, or other for-hire
15 vehicle pursuant to state law;

16 4. "Transportation network company" ("TNC") means a business
17 entity licensed pursuant to this act and operating in Oklahoma that
18 uses a digital network or software application service to connect
19 passengers to transportation network company services provided by
20 transportation network company drivers. A TNC does not provide
21 taxicab, limousine, or other similar for-hire motor carrier service.
22 A TNC shall not be deemed to control, direct or manage the personal
23 vehicles or participating drivers that connect to its digital
24 network, except where agreed to by written contract. Further, a

1 transportation network company shall not include an individual,
2 corporation, partnership, sole proprietorship, or other entity
3 solely arranging non-emergency medical transportation for
4 individuals qualifying for Medicaid or Medicare pursuant to a
5 contract with a governmental entity or managed care organization;

6 5. "Transportation network company driver" ("TNC driver") means
7 an individual who:

- 8 a. receives connections to potential passengers and
9 related services from a TNC in exchange for payment of
10 a fee to the TNC, and
- 11 b. uses a personal vehicle to provide prearranged rides
12 to passengers upon connection through a digital
13 network controlled by a TNC in return for compensation
14 or payment of a fee; and

15 6. "Transportation network company passenger" ("TNC passenger")
16 means an individual or persons who use a prearranged rides digital
17 network to connect with a TNC driver who provides prearranged rides
18 to the passenger in the driver's personal vehicle between points
19 chosen by the passenger.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1012 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 TNCs or TNC drivers shall not be considered motor carriers of
24 persons as defined in Section 230.23 of Title 47 of the Oklahoma

1 Statutes, nor shall TNCs or TNC drivers be considered to provide
2 taxicab, limousine, or similar for-hire motor carrier service.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1013 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A person shall not operate a TNC in Oklahoma without first
7 having obtained a permit from the Oklahoma Corporation Commission
8 ("Commission").

9 B. The Commission shall issue a permit to each applicant that
10 presents proof, in a form prescribed by the Commission, that the
11 applicant meets the requirements for a TNC set forth in this act,
12 and proof of insurance required this act and pays to the Commission
13 an annual permit fee of Five Thousand Dollars (\$5,000.00).

14 C. The Commission shall promulgate rules as needed to implement
15 the provisions of this act. The Commission may also set additional
16 fees and assess fines for noncompliance with this act or with
17 promulgated rules.

18 D. The authority of the Commission shall be limited to
19 permitting and regulation of TNCs to ensure compliance by TNCs with
20 the provisions of this act and shall not include jurisdiction to
21 adjudicate private causes of action arising from the provision of
22 prearranged rides.

23 E. The Commission shall have the authority to examine the
24 records of TNCs for the purpose of enforcement of this act,

1 including a random sample of the TNC's records related to
2 prearranged rides and TNC drivers at the Oklahoma City offices of
3 the Commission, unless an alternative location is agreed to by the
4 Commission and the TNC. Such examinations shall not occur more than
5 two times per year unless necessary to investigate a complaint.
6 Records obtained by the Commission pursuant to this act shall not be
7 subject to disclosure under the Oklahoma Open Records Act and shall
8 be kept confidential by the Commission, except as may be required in
9 a Commission proceeding.

10 F. Failure of a TNC to comply with the provisions of this act
11 may result in the denial or revocation of the TNC permit or fines as
12 assessed by the Commission.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1014 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 TNCs shall maintain an agent for service of process in the State
17 of Oklahoma.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1015 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 TNCs may determine and charge a fare for the services provided
22 to passengers; provided, that if a fare is charged the TNC shall
23 disclose to passengers the fare-calculation method on its website or
24 within the software application service. The TNC shall also provide

1 passengers with the applicable rates being charged and the option to
2 receive an estimated fare before the passenger enters the TNC
3 driver's vehicle.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1016 of Title 47, unless there
6 is created a duplication in numbering, reads as follows:

7 A TNC's software application or website shall display a picture
8 of the TNC driver and the license plate number of the motor vehicle
9 utilized for providing the prearranged ride before the passenger
10 enters the TNC driver's vehicle.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1017 of Title 47, unless there
13 is created a duplication in numbering, reads as follows:

14 Within a reasonable period of time, as established by the
15 Commission, following the completion of a trip, the TNC shall
16 transmit an electronic receipt to the passenger that lists:

- 17 1. The origin and destination of the trip;
18 2. The total time and distance of the trip; and
19 3. An itemization of the total fare paid, if any.

20 SECTION 9. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1018 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 A. TNCs shall implement a zero-tolerance policy against TNC
24 drivers operating under the influence of drugs or alcohol while

1 providing prearranged rides or while logged into the TNC's digital
2 network but not providing prearranged rides, and shall provide
3 notice of this policy on its digital network, as well as procedures
4 to report a complaint about a driver with whom a passenger was
5 matched and whom the passenger reasonably suspects was under the
6 influence of drugs or alcohol during the course of the trip.

7 B. Upon receipt of such passenger complaint alleging a
8 violation of the zero-tolerance policy, the TNC shall immediately
9 suspend such TNC driver's access to the TNC's digital network, and
10 shall conduct an investigation into the reported incident. The
11 suspension shall last the duration of the investigation.

12 C. TNCs shall maintain records relevant to the enforcement of
13 this requirement for a period of at least two (2) years from the
14 date that a passenger complaint is received by the TNC.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1019 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Prior to permitting an individual to act as a TNC driver on
19 its digital network, the TNC shall:

20 1. Require the individual to submit an application to the TNC,
21 which includes information regarding his or her address, age, driver
22 license, driving history, motor vehicle registration, automobile
23 liability insurance, and other information required by the TNC;

1 2. Conduct, or have a third party conduct, a local and national
2 criminal background check for each applicant that shall include a
3 check of:

4 a. the Multi-State/Multi-Jurisdiction Criminal Records
5 Locator or other similar commercial nationwide
6 database with validation through a primary source
7 search, and

8 b. the National Sex Offender Registry database; and

9 3. Obtain and review a driving history research report for such
10 individual.

11 B. TNCs shall not permit an individual to act as a TNC driver
12 on its digital network who:

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

17 2. Has been convicted, within the past seven (7) years, of
18 driving under the influence of drugs or alcohol, fraud, sexual
19 offenses, use of a motor vehicle to commit a felony, a crime
20 involving property damage, theft, acts of violence, or acts of
21 terror;

22 3. Is a match in the National Sex Offender Registry database;

23 4. Does not possess a valid driver license;
24

1 5. Does not possess current proof of motor vehicle registration
2 for the motor vehicle(s) used to provide prearranged rides;

3 6. Does not possess proof of the automobile liability insurance
4 required by law or rule for the motor vehicle(s) used to provide
5 prearranged rides; or

6 7. Is not at least nineteen (19) years of age.

7 C. TNCs shall implement a procedure for periodic information
8 updates for each TNC driver's vehicle(s) and motor vehicle insurance
9 and for rechecks of each TNC driver for the criminal background and
10 driving record information required by paragraph A of this section
11 to ensure continued compliance by each driver with the requirements
12 of paragraph B of this section.

13 SECTION 11. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1020 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 TNCs shall require that any motor vehicle(s) that a TNC driver
17 will use to provide prearranged rides meets the equipment standards
18 required of private motor vehicles under Section 12-101 et seq. of
19 Title 47 of the Oklahoma Statutes.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1021 of Title 47, unless there
22 is created a duplication in numbering, reads as follows:

23 A. TNCs shall implement a policy requiring TNC drivers to
24 exclusively accept rides booked through a TNC's digital network or

1 software application service and prohibiting solicitation of street
2 hails or acceptance of unsolicited street hails.

3 B. TNCs shall implement a policy prohibiting solicitation or
4 acceptance of cash payments from passengers. Any payment for
5 prearranged rides shall be made only electronically using the TNC's
6 digital network or software application.

7 SECTION 13. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1022 of Title 47, unless there
9 is created a duplication in numbering, reads as follows:

10 TNCs shall adopt a policy prohibiting the provision of
11 prearranged rides in any vehicle with a manufacturer's designed
12 seating capacity of more than fifteen (15) persons, including the
13 driver, and prohibiting the transportation of multiple passengers in
14 numbers exceeding the manufacturer's designed seating capacity.

15 SECTION 14. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1023 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. TNCs shall adopt a policy of nondiscrimination on the basis
19 of destination, race, color, national origin, religious belief,
20 religious affiliation, sex, disability, or age with respect to
21 passengers and potential passengers and notify TNC drivers of such
22 policy.

23 B. TNCs shall require TNC drivers to comply with all applicable
24 laws regarding nondiscrimination against passengers or potential

1 passengers on the basis of destination, race, color, national
2 origin, religious belief, religious affiliation, sex, disability, or
3 age.

4 C. TNCs shall require TNC drivers to comply with all applicable
5 laws relating to accommodation of service animals.

6 D. TNCs shall not impose additional charges for providing
7 services to persons with physical disabilities because of those
8 disabilities.

9 E. TNCs shall provide passengers an opportunity to indicate
10 whether they require a wheelchair-accessible vehicle. If a TNC
11 cannot arrange a wheelchair-accessible prearranged ride in any
12 instance, it shall direct the passenger to an alternate provider of
13 wheelchair-accessible service, if available.

14 SECTION 15. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1024 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 TNCs shall maintain:

18 1. Individual trip records for at least two (2) years from the
19 date each trip was provided; and

20 2. TNC driver records at least until the two-year anniversary
21 of the date on which a TNC driver's activation on the TNC digital
22 network has ended.
23
24

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1025 of Title 47, unless there is created duplication in numbering, reads as follows:

On or before July 1, 2015, and thereafter, a TNC driver or TNC on the TNC driver's behalf shall maintain primary automobile insurance that:

A. Recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

1. While the driver is logged on to the TNC's digital network;
or

2. While the driver is engaged in providing prearranged rides.

B. The following automobile insurance requirements shall apply while a TNC driver is logged on to the TNC's digital network and is available to receive transportation requests but is not engaged in prearranged rides:

1. Primary automobile liability insurance in the amount of at least Fifty Thousand Dollars (\$50,000.00) for death and bodily injury per person, One Hundred Thousand Dollars (\$100,000.00) for death and bodily injury per incident, and Twenty-five Thousand Dollars (\$25,000.00) for property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

1 3. The coverage requirements of subsection B of this section may
2 be satisfied by any of the following:

- 3 a. automobile insurance maintained by the TNC driver, or
- 4 b. automobile insurance maintained by the TNC, or
- 5 c. any combination of subparagraphs 1 and 2.

6 C. The following automobile insurance requirements shall apply
7 while a TNC driver is engaged in a prearranged ride:

8 1. Primary automobile liability insurance that provides at
9 least One Million Dollars (\$1,000,000.00) for death, bodily injury,
10 and property damage;

11 2. Uninsured motorist coverage where not waived pursuant to
12 Section 3636 of Title 36 of the Oklahoma Statutes; and

13 3. The coverage requirements of subsection C of this section may
14 be satisfied by any of the following:

- 15 a. automobile insurance maintained by the TNC driver, or
- 16 b. automobile insurance maintained by the TNC, or
- 17 c. any combination of subparagraphs 1 and 2.

18 D. If insurance maintained by TNC driver in subsections B or C
19 has lapsed or does not provide the required coverage, insurance
20 maintained by a TNC shall provide the coverage required by Section 16
21 beginning with the first dollar of a claim and have the duty to
22 defend such claim.

23 E. Coverage under an automobile insurance policy maintained by
24 the TNC shall not be dependent on a personal automobile insurer first

1 denying a claim nor shall a personal automobile insurance policy be
2 required to first deny a claim.

3 F. Insurance required by Section 16 of this act may be placed
4 with an insurer authorized to do business in this state or with a
5 surplus lines eligible under Section 1100 of Title 36 of the
6 Oklahoma Statutes, et seq.

7 G. Insurance satisfying the requirements of Section 16 of this
8 act shall be deemed to satisfy the financial responsibility
9 requirement for a motor vehicle under Chapter 7 of the Oklahoma
10 Highway Safety of Section 7-101 of Title 47 of the Oklahoma
11 Statutes, et seq., while the TNC driver is logged into the network.

12 H. A TNC driver shall carry proof of coverage satisfying
13 subsections B and C with him or her at all times during his or her
14 use of a vehicle in connection with a transportation network
15 company's digital network. Proof of coverage may be presented in
16 electronic format. In the event of an accident, a TNC driver shall
17 provide this insurance coverage information to the directly
18 interested parties, automobile insurers and investigating police
19 officers, upon request pursuant to Section 7-102 of Title 47 of the
20 Oklahoma Statutes, et seq. Upon such request, a TNC driver shall
21 also disclose to directly interested parties, automobile insurers,
22 and investigating police officers, whether he or she was logged on
23 to the TNC's digital network or on a prearranged ride at the time of
24 an accident.

1 SECTION 17. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1026 of Title 47, unless there
3 is created duplication in numbering, reads as follows:

4 The TNC shall disclose in writing to TNC drivers the following
5 before they are allowed to accept a request for a prearranged ride on
6 the TNC's digital network:

7 A. The insurance coverage, including the types of coverage and
8 the limits for each coverage, that the TNC provides while the TNC
9 driver uses a personal vehicle in connection with a TNC's digital
10 network; and

11 B. That the TNC driver's own automobile insurance policy might
12 not provide any coverage while the driver is logged on to the TNC's
13 digital network and is available to receive transportation requests
14 or is engaged in prearranged rides depending on its terms.

15 SECTION 18. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1027 of Title 47, unless there
17 is created duplication in numbering, reads as follows:

18 A. Insurers that write automobile insurance in Oklahoma may
19 exclude any and all coverage afforded under the owner's insurance
20 policy for any loss or injury that occurs while a TNC driver is
21 logged on to a TNC's digital network or while a driver provides a
22 prearranged ride. This right to exclude all coverage may apply to
23 any coverage included in an automobile insurance policy including,
24 but not limited to:

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

6 B. Such exclusions shall apply notwithstanding any requirement
7 under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101
8 of Title 47 of the Oklahoma Statutes, et seq. Nothing in Section 18
9 of this act implies or requires that a personal automobile insurance
10 policy provide coverage while the TNC driver is logged on to the
11 TNC's digital network, while the TNC driver is engaged in a
12 prearranged ride or while the driver otherwise uses a vehicle to
13 transport passengers for compensation.

14 Nothing shall be deemed to preclude an insurer from providing
15 coverage for the TNC driver's vehicle, if it so chooses to do so by
16 contract or endorsement.

17 C. Automobile insurers that exclude coverage as permitted in
18 Section 16 shall have no duty to defend or indemnify any claim
19 expressly excluded thereunder. Nothing in this article shall be
20 deemed to invalidate or limit an exclusion contained in a policy
21 already in use or approved for use in this state prior to the
22 enactment of this act that excludes coverage for vehicles used to
23 carry persons or property for a charge or available for hire by the
24 public.

1 An automobile insurer that defends or indemnifies a claim against
2 a TNC driver that is excluded under the terms of its policy shall
3 have a right of contribution against other insurers that provide
4 automobile insurance to the same TNC driver in satisfaction of the
5 coverage requirements of Section 16 at the time of loss.

6 D. In a claims coverage investigation, Transportation network
7 companies and any insurer potentially providing coverage under
8 Section 16 shall cooperate to facilitate the exchange of relevant
9 information with directly involved parties and any insurer of the
10 TNC driver if applicable, including the precise times that a TNC
11 driver logged on and off of the TNC's digital network in the twelve
12 hour period immediately preceding and in the twelve hour period
13 immediately following the accident and disclose to one another a
14 clear description of the coverage, exclusions and limits provided
15 under any automobile insurance maintained under Section 16.

16 SECTION 19. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1028 of Title 47, unless there
18 is created a duplication in numbering, reads as follows:

19 If a TNC's insurer makes a payment for a claim covered under
20 comprehensive or collision insurance coverage, the TNC shall cause
21 its insurer to issue the payment directly to the business repairing
22 the vehicle or jointly to the owner to the owner of the vehicle and
23 the primary lienholder.

1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1029 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 TNCs shall not disclose a passenger's personally identifiable
5 information to a third party unless:

6 1. The passenger consents;

7 2. Disclosure is required by a legal obligation; or

8 3. Disclosure is required to protect or defend the terms of use
9 of the service or to investigate violations of those terms.

10 In addition, a TNC shall be permitted to share a passenger's name
11 and telephone number with the TNC driver providing prearranged rides
12 to such passenger only to facilitate correct identification of the
13 passenger by the TNC driver, or to facilitate communication between
14 the passenger and the driver regarding prearranged rides. TNCs
15 shall prohibit the use by TNC drivers of passengers' name, telephone
16 number, or other personal information for any purpose other than
17 those listed in this section.

18 SECTION 21. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1030 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 Notwithstanding any other provision of law, the regulation,
22 licensing or permitting of TNCs for the provisions of prearranged
23 rides is within the exclusive jurisdiction of the Commission as set
24 forth in the Oklahoma Transportation Network Company Services Act

1 and any rules promulgated by the Commission consistent with the Act.
2 No political subdivision of the state may impose a tax on, or
3 require a license for, a TNC or a TNC driver for the provision of
4 prearranged rides or subject a TNC to the political subdivision's
5 rate requirement, entry requirement, operational requirement or
6 other requirements.

7 SECTION 22. This act shall become effective July 1, 2015.

8 SECTION 23. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 15th day of April, 2015.

13

14

Presiding Officer of the Senate

15

16 Passed the House of Representatives the ____ day of _____,
17 2015.

18

19

Presiding Officer of the House
of Representatives

20

21

22

23

24

1 ENGROSSED HOUSE
2 BILL NO. 1614

By: Henke and Sherrer of the
House

3 and

4 Smalley of the Senate
5
6

7 [motor vehicles - enacting the Oklahoma
8 Transportation Network Company Services Act -
9 regulating transportation network companies,
10 services and drivers - effective date]
11
12

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 24. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1010 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma
18 Transportation Network Company Services Act".

19 SECTION 25. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1011 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in the Oklahoma Transportation Network Company Services
23 Act:
24

1 1. "Transportation network company (TNC)" means an entity
2 licensed pursuant to this act and operating in Oklahoma that uses a
3 digital network or a software application service to connect
4 passengers to transportation network services provided by
5 transportation network company drivers. A TNC shall not be deemed
6 to own, control, operate or manage the vehicles used by TNC drivers.
7 A TNC is not a taxicab association or a for-hire vehicle owner;

8 2. "Transportation network company driver (TNC driver)" means
9 an individual who operates a motor vehicle that is:

- 10 a. owned, leased or otherwise authorized for use by the
11 individual,
- 12 b. not a taxicab or motor carrier of persons, and
- 13 c. used to provide transportation Network Company
14 Services; and

15 3. "Transportation network company services (TNC services)"
16 means transportation of a passenger between points chosen by the
17 passenger and prearranged with a TNC driver through the use of a TNC
18 digital network or software application. TNC services shall begin
19 when a TNC Driver accepts a request for transportation received
20 through the TNC's digital network or software application service,
21 continue while the TNC driver transports the passenger in the TNC
22 driver's vehicle, and end when the passenger exits the TNC driver's
23 vehicle. TNC service is not taxicab, for-hire vehicle or street-
24 hail service.

1 SECTION 26. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1012 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 TNCs or TNC drivers shall not be considered motor carriers of
5 persons as defined in Section 230.23 of Title 47 of the Oklahoma
6 Statutes, nor shall TNCs or TNC drivers be considered to provide
7 taxicab or for-hire vehicle service.

8 SECTION 27. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1013 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A person shall not operate a TNC in Oklahoma without first
12 having obtained a permit from the Corporation Commission.

13 B. The Corporation Commission shall issue a permit to each
14 applicant that meets the requirements for a TNC set forth in this
15 act, and pays to the Corporation Commission an annual permit fee of
16 Five Thousand Dollars (\$5,000.00).

17 C. The Oklahoma Corporation Commission shall promulgate rules
18 as needed to implement the provisions of this act.

19 SECTION 28. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1014 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 TNCs shall maintain an agent for service of process in the State
23 of Oklahoma.

1 SECTION 29. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1015 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 TNCs may determine and charge a fare for the services provided
5 to 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 provide
8 passengers with the applicable rates being charged and the option to
9 receive an estimated fare before the passenger enters the TNC
10 driver's vehicle.

11 SECTION 30. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1016 of Title 47, unless there
13 is created a duplication in numbering, reads as follows:

14 A TNC's software application or website shall display a picture
15 of the TNC driver and the license plate number of the motor vehicle
16 utilized for providing the TNC service before the passenger enters
17 the TNC driver's vehicle.

18 SECTION 31. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1017 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 Within a reasonable period of time following the completion of a
22 trip, the TNC shall transmit an electronic receipt to the passenger
23 that lists:

- 24 1. The origin and destination of the trip;

1 2. The total time and distance of the trip; and

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

3 SECTION 32. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1018 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

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

14 B. Upon receipt of such passenger complaint alleging a
15 violation of the zero-tolerance policy, the TNC shall immediately
16 suspend such TNC driver's access to the TNC's digital platform, and
17 shall conduct an investigation into the reported incident. The
18 suspension shall last the duration of the investigation.

19 C. TNCs shall maintain records relevant to the enforcement of
20 this requirement for a period of at least two (2) years from the
21 date that a passenger complaint is received by the TNC.

22 SECTION 33. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1019 of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Prior to permitting an individual to act as a TNC driver on
2 its digital platform, the TNC shall:

3 1. Require the individual to submit an application to the TNC,
4 which includes information regarding his or her address, age, driver
5 license, driving history, motor vehicle registration, automobile
6 liability insurance, and other information required by the TNC;

7 2. Conduct, or have a third party conduct, a local and national
8 criminal background check for each applicant that shall include a
9 check of:

10 a. the Multi-State/Multi-Jurisdiction Criminal Records
11 Locator or other similar commercial nationwide
12 database with validation through a primary source
13 search, and

14 b. the National Sex Offender Registry database; and

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

17 B. TNCs shall not permit an individual to act as a TNC driver
18 on its digital platform who:

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

23 2. Has been convicted, within the past seven (7) years, of
24 driving under the influence of drugs or alcohol, fraud, sexual

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

4 3. Is a match in the National Sex Offender Registry database;

5 4. Does not possess a valid driver license;

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

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

10 7. Is not at least nineteen (19) years of age.

11 SECTION 34. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1020 of Title 47, unless there
13 is created a duplication in numbering, reads as follows:

14 TNCs shall require that any motor vehicle(s) that a TNC driver
15 will use to provide TNC services meets the equipment standards
16 required of private motor vehicles under Section 12-101 et seq. of
17 Title 47 of the Oklahoma Statutes.

18 SECTION 35. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1021 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 A TNC driver shall exclusively accept rides booked through a
22 TNC's digital network or software application service and shall not
23 solicit or accept street hails.

1 SECTION 36. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1022 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 TNCs shall adopt a policy prohibiting solicitation or acceptance
5 of cash payments from passengers and notify TNC drivers of such
6 policy. TNC drivers shall not solicit or accept cash payments from
7 passengers. Any payment for TNC services shall be made only
8 electronically using the TNC's digital network or software
9 application.

10 SECTION 37. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1023 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 A. TNCs shall adopt a policy of nondiscrimination on the basis
14 of destination, race, color, national origin, religious belief,
15 religious affiliation, sex, disability, age, sexual orientation, or
16 gender identity with respect to passengers and potential passengers
17 and notify TNC drivers of such policy.

18 B. TNC drivers shall comply with all applicable laws regarding
19 nondiscrimination against passengers or potential passengers on the
20 basis of destination, race, color, national origin, religious
21 belief, religious affiliation, sex, disability, age, sexual
22 orientation, or gender identity.

23 C. TNC drivers shall comply with all applicable laws relating
24 to accommodation of service animals.

1 D. TNCs shall not impose additional charges for providing
2 services to persons with physical disabilities because of those
3 disabilities.

4 E. TNCs shall provide passengers an opportunity to indicate
5 whether they require a wheelchair-accessible vehicle. If a TNC
6 cannot arrange wheelchair-accessible TNC service in any instance, it
7 shall direct the passenger to an alternate provider of wheelchair-
8 accessible service, if available.

9 SECTION 38. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1024 of Title 47, unless there
11 is created a duplication in numbering, reads as follows:

12 TNCs shall maintain:

13 1. Individual trip records for at least one (1) year from the
14 date each trip was provided; and

15 2. TNC driver records at least until the one-year anniversary
16 of the date on which a TNC driver's activation on the TNC digital
17 network has ended.

18 SECTION 39. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1025 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 TNCs shall not disclose a passenger's personally identifiable
22 information to a third party unless:

23 1. The passenger consents;

24 2. Disclosure is required by a legal obligation; or

1 3. Disclosure is required to protect or defend the terms of use
2 of the service or to investigate violations of those terms.

3 In addition, a TNC shall be permitted to share a passenger's name
4 and telephone number with the TNC driver providing TNC services to
5 such passenger in order to facilitate correct identification of the
6 passenger by the TNC driver, or to facilitate communication between
7 the passenger and the driver.

8 SECTION 40. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1026 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 Notwithstanding any other provision of law, TNCs and TNC drivers
12 are governed exclusively by the Oklahoma Transportation Network
13 Company Services Act and any rules promulgated by the Oklahoma
14 Corporation Commission consistent with the Oklahoma Transportation
15 Network Company Services Act. Neither a TNC nor a TNC driver shall
16 be subject to regulation or oversight by political subdivisions of
17 the state, and no political subdivision of the state may impose a
18 tax on, or require a license for, a TNC or a TNC driver or subject a
19 TNC to the political subdivision's rate requirement, entry
20 requirement, operational requirement or other requirements.

21 SECTION 41. This act shall become effective November 1, 2015.
22
23
24

1 Passed the House of Representatives the 11th day of March, 2015.

2
3
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

6
7
8 Presiding Officer of the Senate