

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 861,  
2 Page 1, In the Title, Line 3, by deleting the word "facilities"; and

3  
4 Further amend said bill, Page 11, Section 227.600, Line 57, by inserting after all of said section and  
5 line the following:

6  
7 "379.1700. As used in sections 379.1700 to 379.1708, the following terms shall mean:

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

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

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

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

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

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

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

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

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

34 (6) "Transportation network company rider" or "rider", an individual or persons who use a  
35 transportation network company's digital network to connect with a transportation network driver  
36 who provides prearranged rides to the rider in the driver's personal vehicle between points chosen

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1 by the rider.

2 379.1702. 1. Beginning April 1, 2017, a transportation network company driver or  
3 transportation network company on the driver's behalf shall maintain primary automobile insurance  
4 that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 8. A transportation network company driver shall carry proof of coverage satisfying

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

9 379.1704. The transportation network company shall disclose in writing to transportation  
 10 network company drivers the following before they are allowed to accept a request for a  
 11 prearranged ride on the transportation network company's digital network:

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

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

20 379.1706. A transportation network company shall make the following disclosure to a  
 21 prospective driver in the prospective driver's terms of service:

22  
 23 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK  
 24 COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE VEHICLE FOR  
 25 TRANSPORTATION NETWORK COMPANY SERVICES MAY VIOLATE THE TERMS OF  
 26 YOUR CONTRACT WITH THE LIENHOLDER.

27  
 28 IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A PAYMENT FOR A  
 29 CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR COLLISION COVERAGE,  
 30 THE TRANSPORTATION NETWORK COMPANY SHALL CAUSE ITS INSURER TO ISSUE  
 31 THE PAYMENT DIRECTLY TO THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY  
 32 TO THE OWNER OF THE VEHICLE AND THE PRIMARY LIENHOLDER ON THE  
 33 COVERED VEHICLE.

34  
 35 The disclosure set forth in this subsection shall be placed prominently in the prospective driver's  
 36 written terms of service, and the prospective driver shall acknowledge the terms of service  
 37 electronically or by signature.

38 379.1708. 1. Insurers that write automobile insurance in Missouri may exclude or limit any  
 39 and all coverage afforded under an automobile insurance policy, including a motor vehicle liability  
 40 policy, issued to an owner or operator of a personal vehicle, as defined by this chapter, for any loss  
 41 or injury that occurs while:

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

43 (2) A driver provides a prearranged ride; or

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

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

48 (1) Liability coverage for bodily injury and property damage;

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

5

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

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

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

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

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

32       387.600. As used in sections 387.600 to 387.630, the following terms shall mean:

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

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

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

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

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

47       (4) "Transportation network company", a corporation, partnership, sole proprietorship, or  
 48       other entity that is licensed and operating in Missouri that uses a digital network to connect

1 transportation network company riders to transportation network company drivers who provide  
2 prearranged rides. A transportation network company shall not be deemed to control, direct, or  
3 manage the personal vehicles or transportation network company drivers that connect to its digital  
4 network, except if agreed to by written contract;

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

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

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

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

15 387.602. Notwithstanding any other provision of law, transportation network companies  
16 shall not be considered common carriers, contract carriers, or motor carriers, as defined under  
17 section 390.020, or for-hire vehicle service. A transportation network company driver shall not be  
18 required to register any vehicle the driver uses to provide prearranged rides as a commercial vehicle  
19 or as a for-hire vehicle.

20 387.604. Beginning August 28, 2016, any person operating a transportation network  
21 company in the state shall be required to obtain a permit from the department of revenue. The  
22 department shall issue permits to applicants who meet the requirements for a transportation network  
23 company as provided under sections 387.600 to 387.630 and who pay an annual, nonrefundable  
24 permit fee of five thousand dollars to the department. While operating as a transportation network  
25 company, such company shall maintain an agent for service of process within the state of Missouri.

26 387.608. On behalf of a transportation network company driver, a transportation network  
27 company may charge a fare for the services provided to riders; provided that, if a fare is collected  
28 from a rider, the transportation network company shall disclose to the rider the fare calculation  
29 method in the vehicle on its website or within the software application service. The transportation  
30 network company shall also provide riders with the applicable rates being charged and the option to  
31 receive an estimated fare before the rider enters the transportation network company driver's  
32 vehicle.

33 387.610. The transportation network company shall meet the requirements of either  
34 subsection of this section at its option:

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

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

42 387.612. After the completion of a prearranged ride secured on a digital network, within a  
43 reasonable period of time following the completion of a trip, a transportation network company  
44 shall transmit an electronic receipt to the transportation network company rider on behalf of the  
45 transportation network company driver that lists:

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

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

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

1       387.620. Drivers shall be independent contractors and not employees of the transportation  
2 network company if all of the following conditions are met:

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

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

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

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

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

15       387.622. 1. The transportation network company shall implement a zero tolerance policy  
16 regarding a transportation network company driver's activities while accessing the transportation  
17 network company's digital network. The zero tolerance policy shall address the use of drugs or  
18 alcohol while a transportation network company driver is providing prearranged rides or is logged  
19 into the transportation network company's digital network but is not providing prearranged rides,  
20 and the transportation network company shall provide notice of this policy on its website, as well as  
21 procedures to report a complaint about a driver with whom a rider was matched and whom the rider  
22 reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

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

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

30       387.624. 1. Before allowing an individual to accept trip requests through a transportation  
31 network company's digital network:

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

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

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

40       (b) National Sex Offender Registry database;

41  
42 On or after August 28, 2019, the department of revenue may require a transportation network  
43 company to conduct or have a third party conduct a fingerprint background check for any applicant.

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

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

48       (1) Has had more than three moving violations in the prior three-year period, or one major

1 violation in the prior three-year period including, but not limited to, attempting to evade the police,  
2 reckless driving, or driving on a suspended or revoked license;

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

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

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

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

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

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

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

16 387.626. The transportation network company shall not allow a transportation network  
17 company driver to accept trip requests through the transportation network company's digital  
18 network unless any motor vehicle or vehicles that a transportation network company driver will use  
19 to provide prearranged rides meets the inspection requirements of section 307.350.

20 387.627. 1. The transportation network company shall adopt a policy of nondiscrimination  
21 with respect to riders and potential riders and notify transportation network company drivers of such  
22 policy.

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

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

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

29 387.628. A transportation network company shall maintain the following customer records:

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

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

35 387.630. 1. Notwithstanding any other provision of law, transportation network companies  
36 and transportation network company drivers are governed exclusively by sections 387.600 to  
37 387.630 and any rules promulgated by the State of Missouri consistent with such sections. No  
38 municipality or other local or state entity may impose a tax on or require a license for a  
39 transportation network company, a transportation network company driver, or a vehicle used by a  
40 transportation network company driver where such tax or licenses relates to providing prearranged  
41 rides, or subject a transportation network company to the municipality or other local or state entity's  
42 rate, entry, operational requirements, or other requirements. Nothing in this section shall apply to  
43 an earnings tax.

44 2. The department of revenue may promulgate all necessary rules and regulations for the  
45 administration of this section. Any rule or portion of a rule, as that term is defined in section  
46 536.010, that is created under the authority delegated in this section shall become effective only if it  
47 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
48 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the

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

4 387.632. 1. Beginning August 28, 2016, and annually thereafter, a taxicab, a taxicab driver,  
5 a taxicab company as those terms are defined in section 67.1800, shall make an election filed with  
6 the department of revenue to comply with either:

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

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

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

14 387.634. 1. Transportation network companies shall not be considered employers of  
15 transportation network company drivers for purposes of chapters 285, 287, 288, and 290, except  
16 when agreed to by written contract. Transportation network company drivers shall not be  
17 considered employees for purposes of chapters 285, 287, 288, and 290, except when agreed to by  
18 written contract. A transportation network company shall be required to have a written contract  
19 stating whether its drivers are considered independent contractors or employees. If the parties agree  
20 to the application of one or more of these laws in a written contract, the transportation network  
21 company shall notify the appropriate agency of the election to cover the driver. If the parties  
22 subsequently change this election, the transportation network company shall notify the appropriate  
23 agency of the change.

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

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.