

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

14 SECTION 1. 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 2. 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 3. 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 4. 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 5. 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.
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1 SECTION 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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.
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1 SECTION 13. 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 14. 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 15. 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 16. 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 17. 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 18. This act shall become effective November 1, 2015.
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1 Passed the House of Representatives the 11th day of March, 2015.

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4 Presiding Officer of the House
of Representatives

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

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8 Presiding Officer of the Senate