

1 HB283
2 181827-4
3 By Representatives Faulkner, Beech, Ainsworth, Wingo, Daniels,
4 Treadaway, Hammon, Pettus, Scott, Blackshear and Collins
5 RFD: Commerce and Small Business
6 First Read: 21-FEB-17

1 Section 1. As used in this act, the following words
2 shall have the following meanings:

3 (1) COMMISSION. The Public Service Commission.

4 ~~(1)~~ (2) DIGITAL NETWORK. Digital network, as defined
5 in Section 32-7C-1, Code of Alabama 1975.

6 (3) GROSS TRIP FARE. The total charge, including the
7 base fare and any time or distance charges, for a prearranged
8 ride. The term does not include any additional fees, including
9 airport or venue fees.

10 ~~(2)~~ (4) TNC. A transportation network company, as
11 defined in Section 32-7C-1, Code of Alabama 1975.

12 ~~(3)~~ (5) TNC DRIVER. A TNC driver as defined in
13 Section 32-7C-1, Code of Alabama 1975.

14 ~~(4)~~ (6) TNC RIDER. A TNC rider as defined in Section
15 32-7C-1, Code of Alabama 1975.

16 ~~(5)~~ (7) TNC VEHICLE. A personal vehicle, as defined
17 in Section 32-7C-1, Code of Alabama 1975.

18 The term may include a vehicle that is let or rented
19 to another person for consideration.

20 ~~(6)~~ (8) PREARRANGED RIDE. Prearranged ride, as
21 defined in Section 32-7C-1, Code of Alabama 1975.

22 Section 2. (a) A TNC or TNC driver is not a common
23 carrier, contract carrier, or motor carrier, as defined in
24 Section 37-3-2, Code of Alabama 1975, does not provide taxi or
25 for-hire vehicle services, and is not subject to the Alabama
26 Motor Carrier Act, Chapter 3, Title 37, Code of Alabama 1975.

1 (b) A TNC driver is not required to register the
2 vehicle that the TNC driver uses to provide prearranged rides
3 under this act as a commercial motor vehicle or for-hire
4 vehicle under the Alabama Motor Carrier Act, Chapter 3, Title
5 37, Code of Alabama 1975.

6 Section 3. ~~(a)~~ A person may not operate a TNC in the
7 state without first having obtained a permit from the Public
8 Service Commission, provided that any TNC operating in the
9 state before the effective dates of this act may continue
10 operating until the Public Service Commission creates a permit
11 process and sets a registration deadline.

12 ~~(b) The Public Service Commission shall issue a~~
13 ~~permit to each applicant that meets the requirements for a TNC~~
14 ~~under this act and pays an annual permit fee of five thousand~~
15 ~~dollars (\$5,000) to the Public Service Commission.~~

16 Section 4. (a) A TNC shall collect a local
17 assessment fee equal to one percent of the gross trip fare on
18 behalf of a TNC driver for all prearranged rides that
19 originate in the state in accordance with this section.

20 (b) (1) No later than 30 days after the end of each
21 calendar quarter, a TNC shall submit to the commission all of
22 the following:

23 a. The total local assessment fees collected by a
24 TNC.

25 b. For prearranged rides that originated within a
26 municipality, a report listing the percentage of the gross

1 trip fare that originated in each municipality during the
2 reporting period.

3 c. For prearranged rides that originated outside a
4 municipality, a report listing the percentage of the gross
5 trip fare that originated in the unincorporated portion of
6 each county during the reporting period.

7 (2) The TNC shall be responsible for determining
8 whether a prearranged ride originated within the boundaries of
9 a municipality or originated within the unincorporated portion
10 of a county.

11 (c) The local assessment fees submitted to the
12 commission shall be administered by the commission and may
13 only be expended as provided in this section. The commission
14 may retain an amount necessary to cover the expenses derived
15 from regulation of TNCs and the collection, remittance, and
16 distribution of local assessment fees pursuant to this
17 section, provided the amount retained may not exceed 50
18 percent of the total local assessment fees collected.

19 (d) No later than 60 days after the end of each
20 calendar quarter, the commission shall distribute the local
21 assessment fees collected for the preceding calendar quarter,
22 minus the amount retained pursuant to subsection (c), to each
23 municipality where a prearranged ride originated and to each
24 county where a prearranged ride originated in the
25 unincorporated portion of the county, during that calendar
26 quarter. The distribution shall be proportionate to the
27 percentage of the gross trip fare that originated in each

1 applicable municipality and unincorporated portion of a
2 county.

3 (e) Any record maintained by a TNC or submitted to
4 the commission pursuant to this section shall be considered
5 tax information and may not be disclosed, as provided in
6 subsection (a) of Section 40-2A-10, Code of Alabama 1975.

7 Section 5. A TNC must maintain an agent for service
8 of process in the state.

9 Section 6. If a fare is collected from a rider, the
10 TNC shall disclose to the rider the fare or fare calculation
11 on its website or within the online-enabled technology
12 application service before the beginning of the prearranged
13 ride. If the fare is not disclosed to the rider before the
14 beginning of the prearranged ride, the rider shall have the
15 option to receive an estimated fare before the beginning of
16 the prearranged ride.

17 Section 7. The TNC's digital network shall display a
18 picture of the TNC driver and the license plate number of the
19 motor vehicle use for providing the prearranged ride before
20 the rider enters the TNC driver's vehicle.

21 Section 8. Within a reasonable period of time
22 following the completion of a trip, a TNC shall transmit an
23 electronic receipt to the rider on behalf of the TNC driver
24 that lists all of the following:

- 25 (1) The origin and destination of the trip.
- 26 (2) The total time and distance of the trip.
- 27 (3) The total fare paid.

1 Section 9. ~~TNC drivers are independent contractors~~
2 ~~and not employees of the TNC if all of the following~~
3 ~~conditions are met:~~

4 ~~(1) The TNC does not unilaterally prescribe specific~~
5 ~~hours during which a TNC driver must be logged into the TNC's~~
6 ~~digital network.~~

7 ~~(2) The TNC does not impose an express prohibition~~
8 ~~on the TNC driver's ability to utilize digital networks from~~
9 ~~other TNCs.~~

10 ~~(3) The TNC does not restrict a TNC driver from~~
11 ~~engaging in any other occupation or business.~~

12 ~~(4) The TNC and TNC driver agree in writing that the~~
13 ~~TNC driver is an independent contractor with respect to the~~
14 ~~TNC.~~

15 Section 10. A TNC driver or a TNC on the behalf of
16 the TNC driver shall maintain automobile insurance pursuant to
17 Chapter 7C of Title 32.

18 Section 11. (a) Before allowing an individual to
19 accept trip requests through a TNC's digital network as a TNC
20 driver, all of the following must occur:

21 (1) The individual shall submit an application to
22 the TNC, that includes information regarding his or her
23 address, age, driver's license, motor vehicle registration,
24 and other information required by the TNC.

25 (2) The TNC shall conduct, or have a third party
26 conduct, a local and national criminal background check for
27 each applicant that shall include a review of the following:

1 a. A multistate or multi-jurisdiction criminal
2 records locator or other similar commercial nationwide
3 database with validation.

4 b. A United State Department of Justice National Sex
5 Offender Public Website.

6 (3) The TNC shall obtain and review, or have a third
7 party obtain and review, a driving history report of each
8 applicant.

9 (b) The TNC may not permit an individual to act as a
10 TNC driver on its digital network who:

11 (1) Has had more than three moving violations in the
12 prior three-year period, or one of the following major
13 violations in the prior three-year period:

14 a. Fleeing or attempting to elude a law enforcement
15 officer.

16 b. Reckless driving.

17 c. Driving with a suspended or revoked license.

18 (2) Has been convicted, within the past seven years,
19 of any of the following:

20 a. A felony.

21 b. Misdemeanor driving under the influence, reckless
22 driving, hit and run, or any other misdemeanor violent offense
23 or sexual battery.

24 (3) Is a match in the U.S. Department of Justice
25 National Sex Offender Public Website.

26 (4) Does not possess a valid driver's license.

1 (5) Does not possess proof of registration for the
2 motor vehicle or vehicles the applicant intends to use to
3 provide prearranged rides.

4 (6) Is under the age of 19 years.

5 Section 12. A TNC driver may not accept a trip other
6 than a trip arranged through a TNC's digital network.

7 Section 13. (a) The TNC shall adopt a policy of
8 nondiscrimination on the basis of destination, race, color,
9 national origin, religious belief or affiliation, sex,
10 disability, age, sexual orientation, or gender identity with
11 respect to riders and potential riders. The TNC shall notify
12 TNC drivers of the policy.

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

18 (c) TNC drivers shall comply with all applicable
19 laws relating to the transportation of service animals.

20 (d) A TNC may not impose additional charges for
21 providing services to individuals with physical disabilities
22 because of those disabilities.

23 Section 14. A TNC shall maintain the following
24 records:

25 (1) Individual trip records for at least one year
26 from the date each trip was provided.

1 (2) Individual records of TNC drivers at least one
2 year from the date on which a TNC driver's relationship with
3 the TNC ended.

4 Section 15. A TNC may not control, direct, or manage
5 the personal vehicle or the TNC driver who connects to its
6 digital network, except where agreed to by written contract.

7 Section 16. The Public Service Commission may adopt
8 ~~rules in accordance with the Alabama Administrative Procedure~~
9 ~~Act~~ rules to implement this act.

10 Section 17. This Act shall not apply to any
11 municipality which currently has an ordinance providing for
12 the permitting of operations of Transportation Network
13 Companies, and any municipality which adopts an ordinance
14 providing for the permitting of operations of Transportation
15 Network Companies within 90 days of the effective date of this
16 Act.

17 Section 18. Notwithstanding any other provision of
18 law, this act will not apply to the City of Bessemer.

19 Section 19. (a) It is the intent of the Legislature
20 to provide for uniformity of laws governing TNCs, TNC drivers,
21 and TNC vehicles throughout the state, and to provide that
22 TNCs, TNC drivers, and TNC vehicles be governed exclusively by
23 state law, including Chapter 7C of Title 32, Code of Alabama
24 1975 governing insurance requirements for TNCs and TNC
25 drivers, and any rules adopted by the Public Service
26 Commission consistent with this act.

1 (b) A county, municipality, special district,
2 airport authority, port authority, or other local governmental
3 entity or subdivision may not do any of the following:

4 (1) Impose a tax on, or require a business license
5 for, a TNC or a TNC driver or TNC vehicle if the tax or
6 business license relates to providing prearranged rides, or
7 subjects a TNC, TNC driver, or TNC vehicle to any rate, entry,
8 operation, or other requirement of the county, municipality,
9 special district, airport authority, port authority, or other
10 local governmental entity or subdivision.

11 (2) Require a TNC or a TNC driver to obtain a
12 business license or any other type of similar authorization to
13 operate within the jurisdiction.

14 (3) Subject a TNC or a TNC driver to a rate, entry,
15 operation, or other requirement of the county, municipality,
16 special district, airport authority, port authority, or other
17 local governmental entity.

18 (c) This section does not prohibit an airport from
19 charging reasonable pickup fees consistent with pickup fees
20 charged to taxicab companies at that airport, for use of the
21 airport's facilities or designating locations for staging,
22 pickup, and other similar operations at the airport.

23 (d) This section does not prohibit a municipality
24 from prohibiting, by ordinance, TNCs, TNC drivers, and TNC
25 vehicles to operate or to accept any prearranged ride that
26 originates within the corporate limits of the municipality.

1 Section 20. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 21-FEB-17

Read for the second time and placed
on the calendar 1 amendment 13-APR-17

Read for the third time and passed
as amended..... 04-MAY-17

Yeas 62, Nays 7, Abstains 3

Jeff Woodard
Clerk