

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 631

By: Quinn

4
5
6 AS INTRODUCED

7 An Act relating to transportation network companies;
8 amending Sections 2, 7 and 16, Chapter 279, O.S.L.
9 2015 (47 O.S. Supp. 2016, Sections 1011, 1016 and
10 1025), which relate to transportation network
11 drivers; defining certain term; allowing for certain
12 trade dress to be worn by certain transportation
13 network drivers; modifying certain online status; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 279, O.S.L.
17 2015 (47 O.S. Supp. 2016, Section 1011), is amended to read as
18 follows:

19 Section 1011. As used in the Oklahoma Transportation Network
20 Company Services Act:

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

24 2. "Online" means the TNC's digital network can actively track
the TNC driver's location, assign transportation requests and offer
specific transportation requests to the TNC driver.

1 ~~2.~~ 3. "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 vehicle of a motor carrier service;

7 ~~3.~~ 4. "Prearranged ride" means the provision of transportation
8 by 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.~~ 5. "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 nonemergency medical transportation for individuals
4 qualifying for Medicaid or Medicare pursuant to a contract with a
5 governmental entity or managed care organization;

6 ~~5.~~ 6. "Transportation network company driver (TNC driver)"

7 means 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.~~ 7. "Transportation network company passenger (TNC
16 passenger)" means an individual or persons who use a digital network
17 to connect with a TNC driver who provides prearranged rides to the
18 passenger in the driver's personal vehicle between points chosen by
19 the passenger.

20 SECTION 2. AMENDATORY Section 7, Chapter 279, O.S.L.
21 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as
22 follows:

23 Section 1016. A transportation network company's software
24 application or website shall display a picture of the TNC driver and

1 the license plate number of the motor vehicle utilized for providing
2 the prearranged ride before the passenger enters the TNC driver's
3 vehicle. A TNC may require the TNC's trade dress be worn by the TNC
4 driver or that the TNC company emblem or logo be displayed on the
5 TNC vehicle while in operation to identify the TNC vehicle and
6 driver. Such requirement by a TNC shall not in any way alter the
7 contractual relationship between the parties or create an
8 employer/employee relationship where one was not intended to exist
9 by the parties.

10 SECTION 3. AMENDATORY Section 16, Chapter 279, O.S.L.
11 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as
12 follows:

13 Section 1025. A. On or before July 1, 2015, and thereafter, a
14 transportation network company driver or TNC on the TNC driver's
15 behalf shall maintain primary automobile insurance that recognizes
16 that the driver is a TNC driver or otherwise uses a vehicle to
17 transport passengers for compensation and covers the driver:

18 1. While the driver is both logged on ~~to~~ and online on the
19 TNC's digital network and is able to receive transportation
20 assignments and specific transportation requests but is not engaged
21 in prearranged rides; or

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

23 B. The following automobile insurance requirements shall apply
24 while a TNC driver is both logged on ~~to~~ and online on the TNC's

1 digital network and is ~~available~~ able to receive transportation
2 assignments and specific transportation requests but is not engaged
3 in prearranged rides:

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

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

11 3. The coverage requirements of this subsection may be
12 satisfied by any of the following:

- 13 a. automobile insurance maintained by the TNC driver,
- 14 b. automobile insurance maintained by the TNC, or
- 15 c. any combination of subparagraphs a and b of this
16 paragraph.

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

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

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

24

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

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

7 D. If insurance maintained by a TNC driver in subsection B or C
8 of this section has lapsed or does not provide the required
9 coverage, insurance maintained by a TNC shall provide the coverage
10 required by this section beginning with the first dollar of a claim
11 and have the duty to defend such claim.

12 E. Coverage under an automobile insurance policy maintained by
13 the TNC shall not be dependent on a personal automobile insurer
14 first denying a claim nor shall a personal automobile insurance
15 policy be required to first deny a claim.

16 F. Insurance required by this section may be placed with an
17 insurer authorized to do business in this state or with a surplus
18 lines insurer eligible under Section 1100 et seq. of Title 36 of the
19 Oklahoma Statutes.

20 G. Insurance satisfying the requirements of this section shall
21 be deemed to satisfy the financial responsibility requirement for a
22 motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of
23 Section 7-101 et seq. of Title 47 of the Oklahoma Statutes, while
24 the TNC driver is logged into the network.

1 H. A TNC driver shall carry proof of coverage satisfying
2 subsections B and C of this section with him or her at all times
3 during his or her use of a vehicle in connection with a
4 transportation network company's digital network. Proof of coverage
5 may be presented in electronic format. In the event of an accident,
6 a TNC driver shall provide this insurance coverage information to
7 the directly interested parties, automobile insurers and
8 investigating police officers, upon request pursuant to Section 7-
9 102 et seq. of Title 47 of the Oklahoma Statutes. Upon such
10 request, a TNC driver shall also disclose to directly interested
11 parties, automobile insurers, and investigating police officers
12 whether he or she was logged on to the TNC's digital network or on a
13 prearranged ride at the time of an accident.

14 SECTION 4. This act shall become effective November 1, 2017.

15

16 56-1-208 JD 1/19/2017 8:21:18 PM

17

18

19

20

21

22

23

24