ENGROSSED HOUSE
BILL NO. 1614
By: Henke and Sherrer of the House

and

Smalley of the Senate

[ motor vehicles - enacting the Oklahoma Transportation Network Company Services Act -
regulating transportation network companies, services and drivers - effective date ]

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

2. "Transportation network company driver (TNC driver)" means an individual who operates a motor vehicle that is:
   a. owned, leased or otherwise authorized for use by the individual,
   b. not a taxicab or motor carrier of persons, and
   c. used to provide transportation Network Company Services; and

3. "Transportation network company services (TNC services)" means transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle. TNC service is not taxicab, for-hire vehicle or street-hail service.
SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1012 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

TNCs shall maintain an agent for service of process in the State of Oklahoma.
SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1015 of Title 47, unless there is created a duplication in numbering, reads as follows:

TNCs may determine and charge a fare for the services provided to passengers; provided, that if a fare is charged the TNC shall disclose to passengers the fare-calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC driver's vehicle.

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

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

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

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

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

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

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

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

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

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

SECTION 10.    NEW LAW    A new section of law to be codified in the Oklahoma Statutes as Section 1019 of Title 47, unless there is created a duplication in numbering, reads as follows:
A. Prior to permitting an individual to act as a TNC driver on its digital platform, the TNC shall:

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

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

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

   b. the National Sex Offender Registry database; and

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

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

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

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

3. Is a match in the National Sex Offender Registry database;
4. Does not possess a valid driver license;
5. Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;
6. Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or
7. Is not at least nineteen (19) years of age.

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

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

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

A TNC driver shall exclusively accept rides booked through a TNC's digital network or software application service and shall not solicit or accept street hails.
SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1022 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

C. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
D. TNCs shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

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

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

TNCs shall maintain:

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

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

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 a duplication in numbering, reads as follows:

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

1. The passenger consents;

2. Disclosure is required by a legal obligation; or
3. Disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

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

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

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

SECTION 18. This act shall become effective November 1, 2015.
Passed the House of Representatives the 11th day of March, 2015.

Passed the Senate the ___ day of ________, 2015.

Presiding Officer of the House
      of Representatives

Presiding Officer of the Senate