

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

1  
2 An act relating to transportation network companies;  
3 creating s. 627.748, F.S.; defining terms; providing  
4 for construction; providing that a transportation  
5 network company (TNC) driver is not required to  
6 register certain vehicles as commercial motor vehicles  
7 or for-hire vehicles; requiring a TNC to designate and  
8 maintain an agent for service of process in this  
9 state; providing fare requirements; providing  
10 requirements for a TNC's digital network; providing  
11 for an electronic receipt, subject to certain  
12 requirements; providing automobile insurance  
13 requirements for a TNC and a TNC driver; providing  
14 requirements for specified proof of coverage for a TNC  
15 driver under certain circumstances; providing certain  
16 disclosure requirements for a TNC driver in the event  
17 of an accident; requiring a TNC to cause its insurer  
18 to issue certain payments directly to certain parties;  
19 requiring a TNC to make specified disclosures in  
20 writing to TNC drivers under certain circumstances;  
21 authorizing specified insurers to exclude certain  
22 coverage, subject to certain limitations; providing  
23 that the right to exclude coverage applies to any  
24 coverage included in an automobile insurance policy;  
25 providing applicability; providing for construction;

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

26 | providing that specified automobile insurers have a  
27 | right of contribution against other insurers that  
28 | provide automobile insurance to the same TNC drivers  
29 | in satisfaction of certain coverage requirements under  
30 | certain circumstances; requiring a TNC to provide  
31 | specified information upon request by certain parties  
32 | during a claims coverage investigation; requiring  
33 | certain insurers to disclose specified information  
34 | upon request by any other insurer involved in the  
35 | particular claim; providing that TNC drivers are  
36 | independent contractors if specified conditions are  
37 | met; requiring a TNC to implement a zero-tolerance  
38 | policy for drug or alcohol use, subject to certain  
39 | requirements; providing TNC driver requirements;  
40 | requiring a TNC to conduct a certain background check  
41 | for a TNC driver after a specified period; requiring a  
42 | TNC to submit an examination report prepared by a  
43 | certified public accountant to the Department of  
44 | Financial Services to verify certain compliance;  
45 | requiring the department to impose specified fines for  
46 | noncompliance; providing for disposition and use of  
47 | moneys received; authorizing petition for an  
48 | administrative proceeding; authorizing the department  
49 | to seek injunctive relief under certain circumstances;  
50 | authorizing the department to adopt rules; providing

Page 2 of 21

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0221-03-er

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

51 construction; prohibiting a TNC driver from accepting  
52 certain rides or soliciting or accepting street hails;  
53 prohibiting a TNC from altering presentation of  
54 information on its digital network to an enforcement  
55 official; requiring a TNC to adopt a policy of  
56 nondiscrimination with respect to riders and potential  
57 riders and to notify TNC drivers of such policy;  
58 requiring TNC drivers to comply with the  
59 nondiscrimination policy and certain applicable laws  
60 regarding nondiscrimination and accommodation of  
61 service animals; prohibiting a TNC from imposing  
62 additional charges for providing services to persons  
63 who have physical disabilities; requiring a TNC that  
64 contracts with a governmental entity to provide  
65 paratransit services to comply with certain state and  
66 federal laws; requiring a TNC to reevaluate a decision  
67 to remove a TNC driver's authorization to access its  
68 digital network in certain instances; requiring a TNC  
69 to maintain specified records; providing legislative  
70 intent; specifying that TNCs, TNC drivers, and TNC  
71 vehicles are governed exclusively by state law;  
72 prohibiting local governmental entities and  
73 subdivisions from taking specified actions; providing  
74 applicability; providing an effective date.

75

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

76 Be It Enacted by the Legislature of the State of Florida:

77 Section 1. Section 627.748, Florida Statutes, is created  
78 to read:

79 627.748 Transportation network companies.-

80 (1) DEFINITIONS.-As used in this section, the term:

81 (a) "Digital network" means any online-enabled technology  
82 application service, website, or system offered or used by a  
83 transportation network company which enables the prearrangement  
84 of rides with transportation network company drivers.

85 (b) "Prearranged ride" means the provision of  
86 transportation by a TNC driver to a rider, beginning when a TNC  
87 driver accepts a ride requested by a rider through a digital  
88 network controlled by a transportation network company,  
89 continuing while the TNC driver transports the rider, and ending  
90 when the last rider exits from and is no longer occupying the  
91 TNC vehicle. The term does not include a taxicab, for-hire  
92 vehicle, or street hail service and does not include ridesharing  
93 as defined in s. 341.031, carpool as defined s. 450.28, or any  
94 other type of service in which the driver receives a fee that  
95 does not exceed the driver's cost to provide the ride.

96 (c) "Rider" means an individual who uses a digital network  
97 to connect with a TNC driver in order to obtain a prearranged  
98 ride in the TNC driver's TNC vehicle between points chosen by  
99 the rider. A person may use a digital network to request a  
100 prearranged ride on behalf of a rider.

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

101        (d) "Street hail" means an immediate arrangement on a  
102 street with a driver by a person using any method other than a  
103 digital network to seek immediate transportation.

104        (e) "Transportation network company" or "TNC" means an  
105 entity operating in this state pursuant to this section using a  
106 digital network to connect a rider to a TNC driver, who provides  
107 prearranged rides. A TNC is not deemed to own, control, operate,  
108 direct, or manage the TNC vehicles or TNC drivers that connect  
109 to its digital network, except where agreed to by written  
110 contract, and is not a taxicab association or for-hire vehicle  
111 owner. An individual, corporation, partnership, sole  
112 proprietorship, or other entity that arranges medical  
113 transportation for individuals qualifying for Medicaid or  
114 Medicare pursuant to a contract with the state or a managed care  
115 organization is not a TNC. This section does not prohibit a TNC  
116 from providing prearranged rides to individuals who qualify for  
117 Medicaid or Medicare if it meets the requirements of this  
118 section.

119        (f) "Transportation network company driver" or "TNC  
120 driver" means an individual who:

121            1. Receives connections to potential riders and related  
122 services from a transportation network company; and

123            2. In return for compensation, uses a TNC vehicle to offer  
124 or provide a prearranged ride to a rider upon connection through  
125 a digital network.

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

126       (g) "Transportation network company vehicle" or "TNC  
127 vehicle" means a vehicle that is not a taxicab, jitney,  
128 limousine, or for-hire vehicle as defined in s. 320.01(15) and  
129 that is:  
130       1. Used by a TNC driver to offer or provide a prearranged  
131 ride; and  
132       2. Owned, leased, or otherwise authorized to be used by  
133 the TNC driver.  
134  
135 Notwithstanding any other provision of law, a vehicle that is  
136 let or rented to another for consideration may be used as a TNC  
137 vehicle.  
138       (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a  
139 common carrier, contract carrier, or motor carrier and does not  
140 provide taxicab or for-hire vehicle service. In addition, a TNC  
141 driver is not required to register the vehicle that the TNC  
142 driver uses to provide prearranged rides as a commercial motor  
143 vehicle or a for-hire vehicle.  
144       (3) AGENT.—A TNC must designate and maintain an agent for  
145 service of process in this state.  
146       (4) FARE TRANSPARENCY.—If a fare is collected from a  
147 rider, the TNC must disclose to the rider the fare or fare  
148 calculation method on its website or within the online-enabled  
149 technology application service before the beginning of the  
150 prearranged ride. If the fare is not disclosed to the rider

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

151 before the beginning of the prearranged ride, the rider must  
152 have the option to receive an estimated fare before the  
153 beginning of the prearranged ride.

154 (5) IDENTIFICATION OF TNC VEHICLES AND DRIVERS.—The TNC's  
155 digital network must display a photograph of the TNC driver and  
156 the license plate number of the TNC vehicle used for providing  
157 the prearranged ride before the rider enters the TNC driver's  
158 vehicle.

159 (6) ELECTRONIC RECEIPT.—Within a reasonable period after  
160 the completion of a ride, a TNC shall transmit an electronic  
161 receipt to the rider on behalf of the TNC driver which lists:

- 162 (a) The origin and destination of the ride;  
163 (b) The total time and distance of the ride; and  
164 (c) The total fare paid.

165 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER  
166 INSURANCE REQUIREMENTS.—

167 (a) Beginning July 1, 2017, a TNC driver or a TNC on  
168 behalf of the TNC driver shall maintain primary automobile  
169 insurance that:

170 1. Recognizes that the TNC driver is a TNC driver or  
171 otherwise uses a vehicle to transport riders for compensation;  
172 and

173 2. Covers the TNC driver while the TNC driver is logged on  
174 to the digital network of the TNC or while the TNC driver is  
175 engaged in a prearranged ride.

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

176 (b) The following automobile insurance requirements apply  
177 while a participating TNC driver is logged on to the digital  
178 network but is not engaged in a prearranged ride:

179 1. Automobile insurance that provides:

180 a. A primary automobile liability coverage of at least  
181 \$50,000 for death and bodily injury per person, \$100,000 for  
182 death and bodily injury per incident, and \$25,000 for property  
183 damage;

184 b. Personal injury protection benefits that meet the  
185 minimum coverage amounts required under ss. 627.730-627.7405;  
186 and

187 c. Uninsured and underinsured vehicle coverage as required  
188 by s. 627.727.

189 2. The coverage requirements of this paragraph may be  
190 satisfied by any of the following:

191 a. Automobile insurance maintained by the TNC driver;

192 b. Automobile insurance maintained by the TNC; or

193 c. A combination of sub-subparagraphs a. and b.

194 (c) The following automobile insurance requirements apply  
195 while a TNC driver is engaged in a prearranged ride:

196 1. Automobile insurance that provides:

197 a. A primary automobile liability coverage of at least \$1  
198 million for death, bodily injury, and property damage;

199 b. Personal injury protection benefits that meet the  
200 minimum coverage amounts required of a limousine under ss.



ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

201 627.730-627.7405; and  
202 c. Uninsured and underinsured vehicle coverage as required  
203 by s. 627.727.  
204 2. The coverage requirements of this paragraph may be  
205 satisfied by any of the following:  
206 a. Automobile insurance maintained by the TNC driver;  
207 b. Automobile insurance maintained by the TNC; or  
208 c. A combination of sub-subparagraphs a. and b.  
209 (d) If the TNC driver's insurance under paragraph (b) or  
210 paragraph (c) has lapsed or does not provide the required  
211 coverage, the insurance maintained by the TNC must provide the  
212 coverage required under this subsection, beginning with the  
213 first dollar of a claim, and have the duty to defend such claim.  
214 (e) Coverage under an automobile insurance policy  
215 maintained by the TNC must not be dependent on a personal  
216 automobile insurer first denying a claim, and a personal  
217 automobile insurance policy is not required to first deny a  
218 claim.  
219 (f) Insurance required under this subsection must be  
220 provided by an insurer authorized to do business in this state  
221 which is a member of the Florida Insurance Guaranty Association  
222 or an eligible surplus lines insurer that has a superior,  
223 excellent, exceptional, or equivalent financial strength rating  
224 by a rating agency acceptable to the Office of Insurance  
225 Regulation of the Financial Services Commission.

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

226        (g) Insurance satisfying the requirements under this  
227 subsection is deemed to satisfy the financial responsibility  
228 requirement for a motor vehicle under chapter 324 and the  
229 security required under s. 627.733 for any period when the TNC  
230 driver is logged onto the digital network or engaged in a  
231 prearranged ride.

232        (h) A TNC driver shall carry proof of coverage satisfying  
233 paragraphs (b) and (c) with him or her at all times during his  
234 or her use of a TNC vehicle in connection with a digital  
235 network. In the event of an accident, a TNC driver shall provide  
236 this insurance coverage information to any party directly  
237 involved in the accident or the party's designated  
238 representative, automobile insurers, and investigating police  
239 officers. Proof of financial responsibility may be presented  
240 through an electronic device, such as a digital phone  
241 application, under s. 316.646. Upon request, a TNC driver shall  
242 also disclose to any party directly involved in the accident or  
243 the party's designated representative, automobile insurers, and  
244 investigating police officers whether he or she was logged on to  
245 a digital network or was engaged in a prearranged ride at the  
246 time of the accident.

247        (i) If a TNC's insurer makes a payment for a claim covered  
248 under comprehensive coverage or collision coverage, the TNC  
249 shall cause its insurer to issue the payment directly to the  
250 business repairing the vehicle or jointly to the owner of the

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

251 vehicle and the primary lienholder on the covered vehicle.

252 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;

253 DISCLOSURE; EXCLUSIONS.—

254 (a) Before a TNC driver is allowed to accept a request for  
255 a prearranged ride on the digital network, the TNC must disclose  
256 in writing to the TNC driver:

257 1. The insurance coverage, including the types of coverage  
258 and the limits for each coverage, which the TNC provides while  
259 the TNC driver uses a TNC vehicle in connection with the TNC's  
260 digital network.

261 2. That the TNC driver's own automobile insurance policy  
262 might not provide any coverage while the TNC driver is logged on  
263 to the digital network or is engaged in a prearranged ride,  
264 depending on the terms of the TNC driver's own automobile  
265 insurance policy.

266 3. That the provision of rides for compensation which are  
267 not prearranged rides subjects the driver to the coverage  
268 requirements imposed under s. 324.032(1) and that failure to  
269 meet such coverage requirements subjects the TNC driver to  
270 penalties provided in s. 324.221, up to and including a  
271 misdemeanor of the second degree.

272 (b)1. An insurer that provides an automobile liability  
273 insurance policy under part XI of chapter 627 may exclude any  
274 and all coverage afforded under the policy issued to an owner or  
275 operator of a TNC vehicle while driving that vehicle for any

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

276 loss or injury that occurs while a TNC driver is logged on to a  
 277 digital network or while a TNC driver provides a prearranged  
 278 ride. Exclusions imposed under this subsection are limited to  
 279 coverage while a TNC driver is logged on to a digital network or  
 280 while a TNC driver provides a prearranged ride. This right to  
 281 exclude all coverage may apply to any coverage included in an  
 282 automobile insurance policy, including, but not limited to:  
 283 a. Liability coverage for bodily injury and property  
 284 damage;  
 285 b. Uninsured and underinsured motorist coverage;  
 286 c. Medical payments coverage;  
 287 d. Comprehensive physical damage coverage;  
 288 e. Collision physical damage coverage; and  
 289 f. Personal injury protection.  
 290 2. The exclusions described in subparagraph 1. apply  
 291 notwithstanding any requirement under chapter 324. These  
 292 exclusions do not affect or diminish coverage otherwise  
 293 available for permissive drivers or resident relatives under the  
 294 personal automobile insurance policy of the TNC driver or owner  
 295 of the TNC vehicle who are not occupying the TNC vehicle at the  
 296 time of loss. This section does not require that a personal  
 297 automobile insurance policy provide coverage while the TNC  
 298 driver is logged on to a digital network, while the TNC driver  
 299 is engaged in a prearranged ride, or while the TNC driver  
 300 otherwise uses a vehicle to transport riders for compensation.

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

301 3. This section must not be construed to require an  
302 insurer to use any particular policy language or reference to  
303 this section in order to exclude any and all coverage for any  
304 loss or injury that occurs while a TNC driver is logged on to a  
305 digital network or while a TNC driver provides a prearranged  
306 ride.

307 4. This section does not preclude an insurer from  
308 providing primary or excess coverage for the TNC driver's  
309 vehicle by contract or endorsement.

310 (c)1. An automobile insurer that excludes the coverage  
311 described in subparagraph (b)1. does not have a duty to defend  
312 or indemnify any claim expressly excluded thereunder. This  
313 section does not invalidate or limit an exclusion contained in a  
314 policy, including a policy in use or approved for use in this  
315 state before July 1, 2017, which excludes coverage for vehicles  
316 used to carry persons or property for a charge or available for  
317 hire by the public.

318 2. An automobile insurer that defends or indemnifies a  
319 claim against a TNC driver which is excluded under the terms of  
320 its policy has a right of contribution against other insurers  
321 that provide automobile insurance to the same TNC driver in  
322 satisfaction of the coverage requirements of subsection (7) at  
323 the time of loss.

324 (d) In a claims coverage investigation, a TNC shall  
325 immediately provide, upon request by a directly involved party

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

326 or any insurer of the TNC driver, if applicable, the precise  
 327 times that the TNC driver logged on and off the digital network  
 328 in the 12-hour period immediately preceding and in the 12-hour  
 329 period immediately following the accident. An insurer providing  
 330 coverage under subsection (7) shall disclose, upon request by  
 331 any other insurer involved in the particular claim, the  
 332 applicable coverages, exclusions, and limits provided under any  
 333 automobile insurance maintained in order to satisfy the  
 334 requirements of subsection (7).

335 (9) LIMITATION ON TRANSPORTATION NETWORK COMPANIES.—A TNC  
 336 driver is an independent contractor and not an employee of the  
 337 TNC if all of the following conditions are met:

338 (a) The TNC does not unilaterally prescribe specific hours  
 339 during which the TNC driver must be logged on to the TNC's  
 340 digital network.

341 (b) The TNC does not prohibit the TNC driver from using  
 342 digital networks from other TNCs.

343 (c) The TNC does not restrict the TNC driver from engaging  
 344 in any other occupation or business.

345 (d) The TNC and TNC driver agree in writing that the TNC  
 346 driver is an independent contractor with respect to the TNC.

347 (10) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

348 (a) The TNC shall implement a zero-tolerance policy  
 349 regarding a TNC driver's activities while accessing the TNC's  
 350 digital network. The zero-tolerance policy must address the use

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

351 of drugs or alcohol while a TNC driver is providing a  
352 prearranged ride or is logged on to the digital network.

353 (b) The TNC shall provide notice of this policy on its  
354 website, as well as procedures to report a complaint about a TNC  
355 driver who a rider reasonably suspects was under the influence  
356 of drugs or alcohol during the course of the ride.

357 (c) Upon receipt of a rider's complaint alleging a  
358 violation of the zero-tolerance policy, the TNC shall suspend a  
359 TNC driver's ability to accept any ride request through the  
360 TNC's digital network as soon as possible and shall conduct an  
361 investigation into the reported incident. The suspension must  
362 last the duration of the investigation.

363 (11) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

364 (a) Before an individual is authorized to accept a ride  
365 request through a digital network:

366 1. The individual must submit an application to the TNC  
367 which includes information regarding his or her address, age,  
368 driver license, motor vehicle registration, and other  
369 information required by the TNC;

370 2. The TNC must conduct, or have a third party conduct, a  
371 local and national criminal background check that includes:

372 a. A search of the Multi-State/Multi-Jurisdiction Criminal  
373 Records Locator or other similar commercial nationwide database  
374 with validation of any records through primary source search;  
375 and

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

376 b. A search of the National Sex Offender Public Website  
377 maintained by the United States Department of Justice; and

378 3. The TNC must obtain and review, or have a third party  
379 obtain and review, a driving history research report for the  
380 applicant.

381 (b) The TNC shall conduct the background check required  
382 under paragraph (a) for a TNC driver every 3 years.

383 (c) The TNC may not authorize an individual to act as a  
384 TNC driver on its digital network if the driving history  
385 research report conducted when the individual first seeks access  
386 to the digital network reveals that the individual has had more  
387 than three moving violations in the prior 3-year period.

388 (d) The TNC may not authorize an individual to act as a  
389 TNC driver on its digital network if the background check  
390 conducted when the individual first seeks access to the digital  
391 network or any subsequent background check required under  
392 paragraph (b) reveals that the individual:

393 1. Has been convicted, within the past 5 years, of:

394 a. A felony;

395 b. A misdemeanor for driving under the influence of drugs  
396 or alcohol, for reckless driving, for hit and run, or for  
397 fleeing or attempting to elude a law enforcement officer; or

398 c. A misdemeanor for a violent offense or sexual battery,  
399 or a crime of lewdness or indecent exposure under chapter 800;

400 2. Has been convicted, within the past 3 years, of driving



ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

401 with a suspended or revoked license;

402 3. Is a match in the National Sex Offender Public Website  
403 maintained by the United States Department of Justice;

404 4. Does not possess a valid driver license; or

405 5. Does not possess proof of registration for the motor  
406 vehicle used to provide prearranged rides.

407 (e) No later than January 1 of every other year beginning  
408 in 2019, a TNC shall submit to the Department of Financial  
409 Services an examination report prepared by an independent  
410 certified public accountant for the sole purpose of verifying  
411 that the TNC has maintained compliance with subsection (8) and  
412 this subsection on a continual basis for either the preceding 2  
413 years or for the timeframe that the TNC has been operating in  
414 this state if that timeframe is less than 2 years. The report  
415 shall expressly state whether the TNC was compliant or  
416 noncompliant. The report must be prepared in accordance with  
417 applicable attestation standards established by the American  
418 Institute of Certified Public Accountants. The TNC shall bear  
419 all costs associated with the preparation and submission of the  
420 report.

421 (f) The Department of Financial Services, within 30 days  
422 after receipt of the report required under paragraph (e), shall  
423 impose a fine of \$10,000 if the report includes a finding that  
424 the TNC has been noncompliant with subsection (8), this  
425 subsection, or both. A TNC that has been found to be

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

426 noncompliant shall submit another examination report prepared by  
427 an independent certified public accountant to the department no  
428 later than January 1 of the following year. This subsequent  
429 report shall evaluate the records of the TNC for the timeframe  
430 since the independent certified public accountant last reviewed  
431 the records of the TNC to determine whether the TNC has been  
432 compliant with subsection (8), this subsection, or both on a  
433 continual basis. The department, within 30 days after receipt of  
434 the subsequent report required by this paragraph, shall impose a  
435 fine of \$20,000 if the subsequent report includes a finding that  
436 the TNC has been noncompliant with subsection (8), this  
437 subsection, or both. Failure to timely submit any report  
438 required under this paragraph shall result in the imposition of  
439 an additional fine of \$10,000 for noncompliance. Any fine  
440 imposed by the department shall be payable within 21 days after  
441 receipt of notice from the department. The moneys so received  
442 may be deposited by the department for use in defraying the  
443 expenses of the department in the discharge of its  
444 administrative and regulatory duties under this subsection. The  
445 payment of the fine shall be stayed by the filing of a petition  
446 for an administrative proceeding pursuant to chapter 120 with  
447 the department's agency clerk. Failure to timely petition will  
448 waive any rights to an administrative hearing. The department  
449 may, pursuant to the Florida Rules of Civil Procedure, seek  
450 injunctive relief against a TNC that fails to comply with the

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

451 requirements of paragraph (e) and this paragraph. The department  
452 may adopt rules to implement paragraph (e) and this paragraph.

453 (g) Unless otherwise explicitly provided, this subsection  
454 does not extinguish any claim otherwise available under common  
455 law or any other statute.

456 (12) PROHIBITED CONDUCT.—

457 (a) A TNC driver may not accept a ride for compensation  
458 other than by a rider arranged through a digital network.

459 (b) A TNC driver may not solicit or accept street hails.

460 (c) A TNC may not alter the presentation of information on  
461 its digital network to an enforcement official for the purpose  
462 of thwarting or interfering with the official's enforcement or  
463 oversight of the TNC.

464 (13) NONDISCRIMINATION; ACCESSIBILITY.—

465 (a) A TNC shall adopt a policy of nondiscrimination with  
466 respect to riders and potential riders and shall notify TNC  
467 drivers of such policy.

468 (b) A TNC driver shall comply with the TNC's  
469 nondiscrimination policy.

470 (c) A TNC driver shall comply with all applicable laws  
471 regarding nondiscrimination against riders and potential riders.

472 (d) A TNC driver shall comply with all applicable laws  
473 relating to accommodation of service animals.

474 (e) A TNC may not impose additional charges for providing  
475 services to a person who has a physical disability because of

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

476 | the person's disability.

477 |       (f) A TNC that contracts with a governmental entity to  
478 | provide paratransit services must comply with all applicable  
479 | state and federal laws related to individuals with disabilities.

480 |       (g) A TNC shall reevaluate any decision to remove a TNC  
481 | driver's authorization to access its digital network due to a  
482 | low quality rating by riders if the TNC driver alleges that the  
483 | low quality rating was because of a characteristic identified in  
484 | the company's nondiscrimination policy and there is a plausible  
485 | basis for such allegation.

486 |       (14) RECORDS.—A TNC shall maintain the following records:

487 |       (a) Individual ride records for at least 1 year after the  
488 | date on which each ride is provided; and

489 |       (b) Individual records of TNC drivers for at least 1 year  
490 | after the date on which the TNC driver's relationship with the  
491 | TNC ends.

492 |       (15) PREEMPTION.—

493 |       (a) It is the intent of the Legislature to provide for  
494 | uniformity of laws governing TNCs, TNC drivers, and TNC vehicles  
495 | throughout the state. TNCs, TNC drivers, and TNC vehicles are  
496 | governed exclusively by state law, including in any locality or  
497 | other jurisdiction that enacted a law or created rules governing  
498 | TNCs, TNC drivers, or TNC vehicles before July 1, 2017. A  
499 | county, municipality, special district, airport authority, port  
500 | authority, or other local governmental entity or subdivision may

ENROLLED

CS/HB 221, Engrossed 1

2017 Legislature

501 not:502 1. Impose a tax on, or require a license for, a TNC, a TNC  
503 driver, or a TNC vehicle if such tax or license relates to  
504 providing prearranged rides;505 2. Subject a TNC, a TNC driver, or a TNC vehicle to any  
506 rate, entry, operation, or other requirement of the county,  
507 municipality, special district, airport authority, port  
508 authority, or other local governmental entity or subdivision; or509 3. Require a TNC or a TNC driver to obtain a business  
510 license or any other type of similar authorization to operate  
511 within the local governmental entity's jurisdiction.512 (b) This subsection does not prohibit an airport or  
513 seaport from charging reasonable pickup fees consistent with any  
514 pickup fees charged to taxicab companies at that airport or  
515 seaport for their use of the airport's or seaport's facilities  
516 or prohibit the airport or seaport from designating locations  
517 for staging, pickup, and other similar operations at the airport  
518 or seaport.

519 Section 2. This act shall take effect July 1, 2017.