

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 262

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO TRANSPORTATION NETWORK COMPANIES; AMENDING TITLE 49, IDAHO
2 CODE, BY THE ADDITION OF A NEW CHAPTER 37, TITLE 49, IDAHO CODE, TO PRO-
3 VIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE
4 TERMS, TO PROVIDE THAT TRANSPORTATION NETWORK COMPANIES ARE NOT OTHER
5 CARRIERS OR TAXICABS, TO REQUIRE TRANSPORTATION NETWORK COMPANY SER-
6 VICES TO MAINTAIN AN AGENT IN IDAHO, TO PROVIDE FOR COLLECTION OF FEES
7 FOR SERVICES, TO PROVIDE FOR IDENTIFICATION OF TRANSPORTATION NETWORK
8 COMPANY VEHICLES AND DRIVERS, TO REQUIRE TRANSPORTATION NETWORK COMPA-
9 NIES AND DRIVERS TO COMPLY WITH STATE OF IDAHO INSURANCE REQUIREMENTS,
10 TO PROVIDE A ZERO TOLERANCE POLICY AND PROVIDE FOR DISCIPLINARY PROCE-
11 DURES, TO PROVIDE FOR TRANSPORTATION NETWORK COMPANY DRIVER REQUIRE-
12 MENTS, TO PROHIBIT SERVICE TO STREET HAILS, TO PROHIBIT CASH PAYMENT, TO
13 PROHIBIT DISCRIMINATION AND PROVIDE FOR ACCESSIBILITY, TO PROVIDE FOR
14 RECORDS MAINTENANCE AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULATIONS;
15 AND DECLARING AN EMERGENCY.
16

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended
19 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
20 ter 37, Title 49, Idaho Code, and to read as follows:

21 CHAPTER 37

22 TRANSPORTATION NETWORK COMPANY SERVICES ACT

23 49-3701. SHORT TITLE. This chapter shall be cited as the "Transporta-
24 tion Network Company Services Act."

25 49-3702. LEGISLATIVE PURPOSE AND INTENT. It is the intent of the Idaho
26 legislature to regulate the use of transportation network company (TNC)
27 services within the state of Idaho and to promote the safety, reliability
28 and cost-effectiveness of transportation network company (TNC) services,
29 as well as preserve and enhance access to these important transportation
30 options for residents and visitors.

31 49-3703. DEFINITIONS. As used in this chapter, the following terms
32 have the meanings as stated:

33 (1) "Transportation network company" or "TNC" shall mean an entity op-
34 erating in Idaho that meets the requirements of this chapter and uses a digi-
35 tal network or software application service to connect passengers to trans-
36 portation network company services provided by transportation network com-
37 pany drivers. A TNC is not deemed to own, control, operate or manage the ve-
38 hicles used by TNC drivers, and is not a taxicab association or a for-hire ve-
39 hicle owner.

1 (2) "Transportation network company (TNC) driver" shall mean an indi-
2 vidual who operates a motor vehicle that is:

3 (a) Owned, leased or otherwise authorized for use by the individual;

4 (b) Not a taxicab or for-hire vehicle; and

5 (c) Used to provide transportation network company services.

6 (3) "Transportation network company (TNC) services" shall mean trans-
7 portation of a passenger between points chosen by the passenger and prear-
8 ranged with a TNC driver through the use of a TNC digital network or soft-
9 ware application. TNC services shall begin when a TNC driver accepts a re-
10 quest for transportation received through the TNC's digital network or soft-
11 ware application service, continue while the TNC driver transports the pas-
12 senger in the TNC driver's vehicle, and end when the passenger exits the TNC
13 driver's vehicle. TNC service is not a taxicab, for-hire vehicle or street
14 hail service.

15 (4) The definitions set forth in this section apply only to this chapter
16 and not to the law of insurance contained in title 41, Idaho Code.

17 49-3704. NOT OTHER CARRIERS. TNCs or TNC drivers are not common car-
18 riers as defined in section 61-113, Idaho Code; they are not motor carri-
19 ers, nor do they provide taxicab or for-hire vehicle service. In addition, a
20 TNC driver shall not be required to register the vehicle such driver uses for
21 TNC services as a commercial or for-hire vehicle or to obtain a commercial
22 driver's license.

23 49-3705. AGENT. The TNC must maintain an agent for service of process
24 in the state of Idaho.

25 49-3706. FARE CHARGED FOR SERVICES. A TNC may charge a fare for the
26 services provided to passengers; provided that, if a fare is charged, the
27 TNC shall disclose to passengers the fare calculation method on its website
28 or within the software application service. The TNC shall also provide pas-
29 sengers with the applicable rates being charged and the option to receive an
30 estimated fare before the passenger enters the TNC driver's vehicle.

31 49-3707. IDENTIFICATION OF TNC VEHICLES AND DRIVERS. The TNC's soft-
32 ware application or website shall display a picture of the TNC driver, and
33 the license plate number of the motor vehicle utilized for providing the TNC
34 service before the passenger enters the TNC driver's vehicle.

35 49-3708. TNC AND TNC DRIVER INSURANCE REQUIREMENTS. TNCs and TNC
36 drivers shall comply with all applicable requirements for insurance imposed
37 by Idaho statutes pertaining to automobile liability insurance in this title
38 and title 41, Idaho Code.

39 49-3709. ZERO TOLERANCE FOR DRUG OR ALCOHOL USE. (1) The TNC shall im-
40 plement a zero tolerance policy on the illegal use of drugs or the use of
41 alcohol while a TNC driver is providing TNC services or is logged into the
42 TNC's digital network but is not providing TNC services, and shall provide
43 notice of this policy on its website, as well as procedures to report a com-
44 plaint about a driver with whom a passenger was matched and whom the passen-

1 ger reasonably suspects was under the influence of drugs or alcohol during
2 the course of the trip.

3 (2) Upon receipt of such passenger complaint alleging a violation
4 of the zero tolerance policy, the TNC shall immediately suspend such TNC
5 driver's access to the TNC's digital platform, and shall conduct an investi-
6 gation into the reported incident. The suspension shall last the duration
7 of the investigation.

8 (3) The TNC shall maintain records relevant to the enforcement of this
9 requirement for a period of at least two (2) years from the date that a pas-
10 senger complaint is received by the TNC.

11 49-3710. TNC DRIVER REQUIREMENTS. (1) Prior to permitting an individ-
12 ual to act as a TNC driver on its digital platform, the TNC shall:

13 (a) Require the individual to submit an application to the TNC, which
14 includes information regarding his or her address, age, driver's li-
15 cense, driving history, motor vehicle registration, automobile liabil-
16 ity insurance, and other information required by the TNC;

17 (b) Conduct, or have a third party conduct, a local and national crimi-
18 nal background check for each applicant that shall include:

19 (i) Multistate/multi-jurisdiction criminal records locator or
20 other similar commercial nationwide database with validation
21 (primary source search); and

22 (ii) National sex offender registry database.

23 (c) Obtain and review a driving history research report for such indi-
24 vidual.

25 (2) The TNC shall not permit an individual to act as a TNC driver on its
26 digital platform who:

27 (a) Has had more than three (3) moving violations in the prior three
28 (3) year period, or one (1) major violation in the prior three (3) year
29 period (including, but not limited to, attempting to evade the police,
30 reckless driving, or driving on a suspended or revoked license);

31 (b) Has been convicted, within the past seven (7) years, of driving un-
32 der the influence of drugs or alcohol, fraud, sexual offenses, use of
33 a motor vehicle to commit a felony, a crime involving property damage,
34 and/or theft, acts of violence, or acts of terror;

35 (c) Is a match in the national sex offender registry database;

36 (d) Does not possess a valid driver's license;

37 (e) Does not possess proof of registration for the motor vehicle(s)
38 used to provide TNC services;

39 (f) Does not possess proof of automobile liability insurance for the
40 motor vehicle(s) used to provide TNC services; or

41 (g) Is not at least nineteen (19) years of age.

42 49-3711. NO STREET HAILS. A TNC driver shall exclusively accept rides
43 booked through a TNC's digital network or software application service and
44 shall not solicit or accept street hails.

45 49-3712. NO CASH TRIPS. The TNC shall adopt a policy prohibiting so-
46 licitation or acceptance of cash payments from passengers and notify TNC
47 drivers of such policy. TNC drivers shall not solicit or accept cash pay-

1 ments from passengers. Any payment for TNC services shall be made only
2 electronically using the TNC's digital network or software application.

3 49-3713. NO DISCRIMINATION -- ACCESSIBILITY. (1) The TNC shall adopt
4 a policy of nondiscrimination with respect to passengers and potential pas-
5 sengers and notify TNC drivers of such policy;

6 (2) TNC drivers shall comply with all applicable laws regarding nondis-
7 crimination against passengers or potential passengers;

8 (3) TNC drivers shall comply with all applicable laws relating to ac-
9 commodation of service animals;

10 (4) A TNC shall not impose additional charges for providing services to
11 persons with physical disabilities because of those disabilities; and

12 (5) A TNC shall provide passengers an opportunity to indicate whether
13 they require a wheelchair-accessible vehicle. If a TNC cannot arrange
14 wheelchair-accessible TNC service in any instance, it shall direct the
15 passenger to an alternate provider of wheelchair-accessible service, if
16 available.

17 49-3714. RECORDS. A TNC shall maintain:

18 (1) Individual trip records for at least two (2) years from the date
19 each trip was provided; and

20 (2) TNC driver records at least until the one (1) year anniversary of
21 the date on which a TNC driver's activation on the TNC digital network has
22 ended.

23 49-3715. CONTROLLING AUTHORITY. Notwithstanding any other provision
24 of law, except as provided in section 49-3708, Idaho Code, TNCs and TNC
25 drivers are governed exclusively by this chapter. No municipality or other
26 local entity may impose a tax on, or require a license for, a TNC, a TNC
27 driver, or a vehicle used by a TNC driver where such tax or licenses relates
28 to providing TNC services, or subject a TNC to the municipality or other lo-
29 cal entity's rate, entry, operational or other requirements.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.