

**SENATE . . . . . No. 102**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joseph A. Boncore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transportation network company rider assessments.

PETITION OF:

| NAME:                                   | DISTRICT/ADDRESS:  |                  |
|---|--|------------------|
| <i>Joseph A. Boncore</i>                | <i>First Suffolk and Middlesex</i>                         |                  |
| <i>Martin J. Walsh, Mayor of Boston</i> | <i>1 City Hall Square, Suite 500, Boston,<br/>MA 02201</i> | <i>1/17/2019</i> |
| <i>Cindy F. Friedman</i>                | <i>Fourth Middlesex</i>                                    | <i>2/1/2019</i>  |
| <i>Michelle L. Ciccolo</i>              | <i>15th Middlesex</i>                                      | <i>2/1/2019</i>  |

**SENATE . . . . . No. 102**

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 102) of Joseph A. Boncore, Martin J. Walsh, Mayor of Boston, Cindy F. Friedman and Michelle L. Ciccolo for legislation relative to transportation network company rider assessments. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to transportation network company rider assessments.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of Mass General Laws Chapter 159A½ is amended by adding the  
2 following definitions:

3 “Peak hours”, shall mean the periods between 7:00am and 9:00am and between 4:00pm  
4 and 6:00pm on weekdays.

5 “Occupied vehicle miles travelled”, shall mean miles driven by a transportation network  
6 company driver who is logged onto a transportation network company’s digital network and is  
7 engaged in a pre-arranged ride with at least one passenger in the vehicle.

8 “Shared-ride”, a ride in which, prior to the commencement of the ride, a passenger  
9 requests a pre-arranged ride through the transportation network company’s digital network to  
10 share the ride with one or more passengers, regardless of whether the passenger actually shares  
11 all or part of the ride.

12 “Single-occupancy ride”, a ride in which, prior to the commencement of the ride, a  
13 passenger requests a pre-arranged ride through the transportation network company’s digital  
14 network as a single passenger between points chosen by the passenger.

15 “Unoccupied vehicle miles travelled”, shall mean miles driven by a transportation  
16 network company driver who is logged onto a transportation network company’s digital network  
17 and is available to receive transportation requests, but is not engaged in a pre-arranged ride.

18 “Zero Emission Vehicle”, shall mean a vehicle that emits no tailpipe emissions from the  
19 onboard source of power.

20 SECTION 2. Section 2 of Chapter 159A<sup>1</sup>/<sub>2</sub> as appearing in the 2016 Official Edition, is  
21 hereby amended by deleting subsection (d) in its entirety and replaced by the following:-

22 (d) A transportation network company shall provide clear and conspicuous transportation  
23 fare estimates to riders at all times, including during surge pricing, high volume and high  
24 demand times. Fare estimates shall include a clear rate estimate or the amount of price increase  
25 resulting from surge pricing or increased demand and shall show the price difference between the  
26 cost of a shared-ride and a single-occupancy ride.

27 SECTION 3. Section 7 of chapter 159A <sup>1</sup>/<sub>2</sub> , as appearing in the 2016 Official Edition, is  
28 hereby amended by inserting at the end of subsection (c) the following paragraph:-

29 A driver who is subject to 3 or more violations of section 3 for cruising, or otherwise  
30 soliciting, accepting, arranging or providing transportation in a manner not consistent with this  
31 Chapter within a twelve-month period, shall be subject to suspension and/or revocation of their  
32 Transportation Network Company Driver Permit for a period of not less than two years; provided

33 that said violations may be issued by state or local law enforcement officers in any legal  
34 jurisdiction, and any combination of at least 3 violations, if issued from multiple jurisdictions or  
35 law enforcement agencies, shall be sufficient to warrant the suspension and/or revocation of said  
36 permit.

37 SECTION 4. Section 11 of Chapter 159A½ as appearing in the 2016 Official Edition, is  
38 hereby amended by striking the section in its entirety and replacing it with the following:-

39 The division shall promulgate regulations necessary for the implementation,  
40 administration and enforcement of this chapter. In addition to existing regulations, the division  
41 shall (i) create regulations regarding data sharing, provided, however, that all data shall be safely  
42 secured and, where appropriate, encrypted or limited and used for the purposes of public safety,  
43 congestion management and transportation planning, including curbside management, road  
44 improvements, traffic management, transit service planning and the allocation of public monies  
45 for those purposes; (ii) consider practices to disclose or report information to cities and towns,  
46 the Massachusetts Department of Transportation, and regional planning agencies; and (iii)  
47 determine what information must be collected from transportation network companies to  
48 effectuate the purposes outlined in (i).

49 SECTION 5. Section 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking  
50 the section in entirety and inserting in place thereof the following:-

51 (a) There shall be a Transportation Infrastructure Enhancement Trust Fund. The director  
52 of the division within the department of public utilities established in section 23 of chapter 25 of  
53 the General Laws shall be the trustee of the fund and shall expend money in the fund to address

54 the impact of transportation network services, as defined in section 1 of chapter 159A½ of the  
55 General Laws. There shall be credited to the fund:

56 (i) any per-mile assessment collected pursuant to subsection (b);

57 (ii) any per-trip assessment collected pursuant to subsection (c); and

58 (iii) any interest earned on money in the fund.

59 Amounts credited to the fund shall be expended by the director pursuant to subsection (d)  
60 without further appropriation. Money remaining in the fund at the end of a fiscal year shall not  
61 revert to the General Fund.

62 (b) Annually, not later than February 1, each transportation network company shall  
63 submit to the director of the division established in section 23 of chapter 25 the total number of  
64 occupied and unoccupied vehicle miles traveled from the previous calendar year that originated  
65 within each city or town. For each vehicle mile travelled, the transportation network company  
66 shall report the time of day during which the miles were driven. For the reporting period, the  
67 transportation network company shall also submit a per-mile assessment, calculated as follows:

68 (i) The per-mile assessment for each unoccupied vehicle mile travelled shall be \$0.20;

69 (ii) Unoccupied vehicle miles travelled in zero emission vehicles shall be exempt from  
70 the per-mile assessment.

71 A transportation network company shall not charge a transportation network rider or a  
72 transportation network driver, as defined in section 1 of chapter 159A½, for the cost of the per-  
73 mile assessment. The per-mile assessment shall be assessed only for trips conducted during peak

74 hours. Not later than June 30, the director shall post on the division's website the aggregate  
75 number of vehicle miles travelled from the previous calendar year within each city or town.

76 (c) Annually, not later than February 1, each transportation network company shall  
77 submit to the director of the division established in section 23 of chapter 25 the number of rides  
78 from the previous calendar year that originated in each city or town and the amount collected  
79 from rider-assessments. Notwithstanding any other law, a rider-assessment is to be charged as  
80 follows:

81 (i) Three percent of net rider fares for a shared ride in which, prior to the commencement  
82 of the pre-arranged ride, a passenger requests through the transportation network company's  
83 digital network, to share the ride with one or more passengers and each passenger is charged a  
84 fare that is calculated in whole or in part, based on the passenger's request to share all or part of  
85 the ride with one or more passengers, regardless of whether the passenger actually shares all or  
86 part of the ride.

87 (ii) Six and one-quarter percent of the net rider fare for a pre-arranged ride other than a  
88 ride described in (i).

89 A transportation network company may charge a transportation network rider, as defined  
90 in section 1 of chapter 159A½, for the cost of the rider assessment. Not later than June 30, the  
91 director shall post on the division's website the aggregate number of rides from the previous  
92 calendar year originating within each city or town.

93 (d) The division shall:

94 (i) proportionately distribute  $\frac{1}{2}$  of the amount collected to a city or town based on the  
95 number of rides from the previous calendar year that originated within that city or town to  
96 address the impact of transportation network services on municipal roads, bridges and other  
97 transportation infrastructure or any other public purpose substantially related to the operation of  
98 transportation network services in the city or town including, but not limited to, the complete  
99 streets program established in section 1 of chapter 90I of the General laws and other programs  
100 that support alternative modes of transportation; and

101 (ii) distribute  $\frac{1}{4}$  of the amount collected to the Massachusetts Development Finance  
102 Agency established in section 2 of chapter 23G of the General Laws to provide financial  
103 assistance to small businesses operating in the taxicab, livery or hackney industries to encourage  
104 the adoption of new technologies and advanced service, safety and operational capabilities and  
105 support workforce development; and

106 (iii) distribute  $\frac{1}{4}$  of the amount collected to the Commonwealth Transportation Fund  
107 established in section 2ZZZ of chapter 29 of the General Laws.

108 (e) Annually, a city or town receiving money from the Transportation Infrastructure  
109 Enhancement Trust Fund shall submit a report to the director of the division not later than  
110 December 31 detailing the projects and the amount used or planned to be used for transportation-  
111 related projects as described in subsection (d). The director shall compile the reports and post the  
112 projects and amounts of money used on the website of the division.

113 SECTION 6.

114 Section 9 of Chapter 187 of the Acts of 2016 is hereby amended by striking out, in line 1,  
115 the words “subsection (c)” and inserting in place thereof: “subsection (d)”;

116 Section 9 of Chapter 187 of the Acts of 2016 is hereby further amended by striking out,  
117 in the first paragraph, the words “(c)” and inserting in place thereof:- “(d)”.

118 SECTION 7. Section 10 of Chapter 187 of the Acts of 2016 is hereby repealed.

119 SECTION 8. Section 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking  
120 the following language from subsection (b):-

121 (ii) Unoccupied vehicle miles travelled in zero emission vehicles shall be exempt from  
122 the per-mile assessment.

123 SECTION 9. Section 8 shall take effect on January 1, 2028.

124 SECTION 10. Sections 1 through 7 of this Act shall take effect 180 days after passage.