

As Reported by the Senate State and Local Government Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 237

Representatives Duffey, Hackett

Cosponsors: Representatives Bishoff, Amstutz, Anielski, Antani, Antonio, Ashford, Buchy, Burkley, Derickson, Dever, Dovilla, Green, Grossman, Henne, Kunze, McColley, Pelanda, Retherford, Sears, Terhar, Young

Senators LaRose, Hottinger, Uecker

A BILL

To amend section 4509.103 and to enact sections 1
3938.01, 3938.02, 3938.03, 3938.04, 4925.01, 2
4925.02, 4925.03, 4925.04, 4925.05, 4925.06, 3
4925.07, 4925.08, 4925.09, and 4925.10 of the 4
Revised Code to regulate transportation network 5
companies and transportation network company 6
services and to exempt an insurer that provides 7
motor vehicle liability insurance from the 8
requirement that it provide financial 9
responsibility identification cards to a 10
policyholder if the insurer provides the ability 11
to use an electronic wireless communications 12
device to provide proof of financial 13
responsibility. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4509.103 be amended and sections 15
3938.01, 3938.02, 3938.03, 3938.04, 4925.01, 4925.02, 4925.03, 16

4925.04, 4925.05, 4925.06, 4925.07, 4925.08, 4925.09, and 17
4925.10 of the Revised Code be enacted to read as follows: 18

Sec. 3938.01. As used in this chapter: 19

(A) "Automobile insurance policy" has the same meaning as 20
in section 3937.30 of the Revised Code. 21

(B) "Chauffeured limousine" has the same meaning as in 22
section 4501.01 of the Revised Code. 23

(C) "Digital network" means any online-enabled 24
application, software, web site, or system offered or utilized 25
by a transportation network company that enables the 26
prearrangement of rides with transportation network company 27
drivers. 28

(D) "Personal vehicle" means a vehicle to which all of the 29
following apply: 30

(1) The vehicle is used by a transportation network 31
company driver. 32

(2) The vehicle is owned, leased, or otherwise authorized 33
for use by the transportation network company driver. 34

(3) The vehicle is not a taxicab or other similar vehicle 35
for hire, unless the vehicle is being used to provide 36
transportation network company services on behalf of a 37
transportation network company that has been issued a permit 38
under section 4925.02 of the Revised Code. 39

(4) The vehicle is not a chauffeured limousine or a 40
vehicle being operated pursuant to a ridesharing arrangement. 41

(E) "Ridesharing arrangement" has the same meaning as in 42
section 4921.01 of the Revised Code. 43

(F) "Transportation network company" includes a 44
corporation, partnership, association, limited liability 45
company, proprietorship, or any other entity operating in this 46
state that uses a digital network to connect transportation 47
network company riders to transportation network company drivers 48
who provide transportation network company services. 49

(G) "Transportation network company driver" or "driver" 50
means an individual to whom both of the following apply: 51

(1) The individual receives connections to passengers and 52
potential passengers and related services from a transportation 53
network company in exchange for the payment of a fee to the 54
company. 55

(2) The individual uses a personal vehicle to offer or 56
provide transportation network company services to riders upon 57
connection through a digital network controlled by a 58
transportation network company in return for compensation or 59
payment of a fee. 60

(H) "Transportation network company rider" or "rider" 61
means an individual or individuals using a transportation 62
network company's digital network to connect with a 63
transportation network company driver who provides 64
transportation network company services to the individual in a 65
personal vehicle between points chosen by the individual. 66

(I) (1) "Transportation network company services" means the 67
provision of transportation beginning when a transportation 68
network company driver accepts a ride requested by a rider 69
through a digital network controlled by a transportation network 70
company, continuing while the driver transports the requesting 71
rider, and ending when the last requesting rider departs from 72

the personal vehicle. 73

(2) "Transportation network company services" do not 74
include services provided by any of the following: 75

(a) A taxicab or other similar vehicle for hire, unless 76
the taxicab or other vehicle is providing the services described 77
in division (I) (1) of this section on behalf of a transportation 78
network company that has been issued a permit under section 79
4925.02 of the Revised Code; 80

(b) A chauffeured limousine; 81

(c) A ridesharing arrangement. 82

Sec. 3938.02. (A) (1) Each transportation network company 83
driver shall be covered by a primary automobile insurance policy 84
that recognizes that the driver is a transportation network 85
company driver or otherwise uses a vehicle to transport 86
passengers for compensation and provides coverage during both of 87
the following periods of time: 88

(a) While the driver is logged on to the transportation 89
network company's digital network; 90

(b) While the driver is engaged in transportation network 91
company services. 92

(2) The primary automobile insurance policy required by 93
division (A) (1) of this section shall meet the following 94
coverage requirements: 95

(a) While a transportation network company driver is 96
logged on to the transportation network company's digital 97
network and is available to receive transportation requests but 98
is not engaged in transportation network company services, 99
primary automobile insurance shall be maintained in the 100

following amounts: 101

(i) At least fifty thousand dollars because of bodily 102
injury to or death of one person in any one accident; 103

(ii) At least one hundred thousand dollars because of 104
bodily injury or death of two or more persons in any one 105
accident; 106

(iii) At least twenty-five thousand dollars because of 107
injury to property of others in any one accident. 108

(b) While a transportation network company driver is 109
engaged in transportation network company services, primary 110
automobile insurance shall be maintained in an amount of at 111
least one million dollars because of bodily injury or death of 112
one or more persons or injury to property of others in any one 113
accident. 114

(3) The insurance required by divisions (A)(1) and (2) of 115
this section may be satisfied by either of the following or a 116
combination of the following: 117

(a) An automobile insurance policy that is maintained by 118
the transportation network company driver; 119

(b) An automobile insurance policy that is maintained by 120
the transportation network company. 121

(B)(1) If personal automobile insurance maintained by a 122
transportation network company driver does not provide liability 123
coverage in the amounts required by division (A)(2) of this 124
section, insurance maintained by the transportation network 125
company shall provide the required coverage, beginning with the 126
first dollar of the claim and shall have the duty to defend the 127
claim. 128

(2) An automobile insurance policy maintained by a 129
transportation network company in accordance with this section 130
shall not require the driver's personal automobile insurer or 131
policy to first deny a claim before providing coverage. 132

(C) An automobile insurance policy required by this 133
section shall be purchased from either of the following: 134

(1) A domestic, foreign, or alien insurance company 135
organized or admitted under Title XXXIX of the Revised Code to 136
issue such a policy; 137

(2) An insurer not holding a license in this state if both 138
of the following criteria are met: 139

(a) The insurer is an eligible surplus lines insurance 140
company and the policy is obtained through a person or entity 141
that holds a surplus lines broker's license in accordance with 142
sections 3905.30 to 3905.38 of the Revised Code or the insurer 143
is an eligible risk retention group. 144

(b) The insurer has a credit rating of not less than "A-" 145
from A.M. Best or "A" from Demotech or a similar rating from 146
another rating agency recognized by the department of insurance. 147

(D) A transportation network company driver shall carry 148
proof of insurance satisfying the coverage requirements of 149
division (A) (2) of this section either physically or through use 150
of an electronic wireless communications device described in 151
section 4509.103 of the Revised Code at all times during the 152
driver's use of a personal vehicle in connection with a 153
transportation network company's digital network. In the event 154
of an accident, the driver shall provide this insurance 155
information to all parties claiming an interest in the 156
insurance, other insurers, and upon request of a peace officer 157

or state highway patrol trooper in accordance with division (D) 158
(2) of section 4509.101 of the Revised Code. Upon such a 159
request, the driver also shall disclose to the interested 160
parties, insurers, and officers and troopers whether the driver 161
was logged on to the transportation network company's digital 162
network or was providing transportation network company services 163
at the time of the accident. 164

(E) An automobile insurance policy that meets the 165
requirements of this section satisfies the proof of financial 166
responsibility for motor vehicles required under Chapter 4509. 167
of the Revised Code. 168

(F) The insurance coverage requirements of this chapter 169
shall apply to taxicabs only during the periods during which the 170
taxicab is performing transportation network company services. 171
When a taxicab is performing taxi services, the insurance 172
requirements applicable to taxicabs shall apply. While a taxicab 173
is operating as a taxicab and not performing transportation 174
network company services, it shall comply with all laws, 175
ordinances, and rules relating to taxicabs. 176

Sec. 3938.03. (A) An insurer issuing an automobile 177
insurance policy to the owner or operator of a personal vehicle 178
may exclude any and all coverage afforded under the policy for 179
any loss or injury that occurs while a transportation network 180
company driver is logged on to a transportation network 181
company's digital network or while the driver is providing 182
transportation network company services. This right to exclude 183
any and all coverage may apply to any coverage included in the 184
automobile insurance policy, including all of the following: 185

(1) Liability coverage for bodily injury and property 186
damage; 187

<u>(2) Uninsured and underinsured motorist coverage described</u>	188
<u>in section 3937.18 of the Revised Code;</u>	189
<u>(3) Uninsured and underinsured motor vehicle property</u>	190
<u>damage coverage described in section 3937.181 of the Revised</u>	191
<u>Code;</u>	192
<u>(4) Medical payments coverage;</u>	193
<u>(5) Comprehensive physical damage coverage;</u>	194
<u>(6) Collision physical damage coverage.</u>	195
<u>Any such exclusions shall apply notwithstanding any</u>	196
<u>requirement under Chapter 4509. of the Revised Code.</u>	197
<u>(B) (1) An insurer providing an automobile insurance policy</u>	198
<u>that excludes the coverage described in division (A) of this</u>	199
<u>section shall have no duty to defend or indemnify any claim</u>	200
<u>expressly excluded under the policy. Nothing in this chapter</u>	201
<u>shall be construed to invalidate or limit a provision contained</u>	202
<u>in an automobile insurance policy that excludes coverage for</u>	203
<u>vehicles that are used to carry persons or property for a charge</u>	204
<u>or that are available for hire by the public.</u>	205
<u>(2) If an insurer providing a policy of automobile</u>	206
<u>insurance defends or indemnifies a claim against a</u>	207
<u>transportation network company driver that is excluded under the</u>	208
<u>terms of the policy, the insurer shall have a right of</u>	209
<u>contribution against any other insurer that provides automobile</u>	210
<u>insurance to the driver in satisfaction of the insurance</u>	211
<u>coverage requirements of section 3938.02 of the Revised Code at</u>	212
<u>the time of the loss.</u>	213
<u>(C) (1) Nothing in this chapter implies or requires that a</u>	214
<u>personal automobile insurance policy provide coverage while a</u>	215

transportation network company driver is logged on to the 216
transportation network company's digital network, while the 217
driver is engaged in transportation network company services, or 218
while the driver otherwise uses a vehicle to transport 219
passengers for compensation. 220

(2) Nothing in this chapter shall be construed to preclude 221
an insurer from providing coverage for a transportation network 222
company driver's vehicle, if the insurer chooses to do so by 223
contract or endorsement. 224

(D) In a claims coverage investigation, a transportation 225
network company and any insurer providing automobile insurance 226
pursuant to section 3938.02 of the Revised Code shall cooperate 227
to facilitate the exchange of relevant information with directly 228
interested parties and any personal insurer of the 229
transportation network company driver, if applicable. The 230
parties shall exchange, at minimum, the precise times that the 231
transportation network company driver logged on and off of the 232
transportation network company's digital network in the twelve- 233
hour period immediately preceding and in the twelve-hour period 234
immediately following the event resulting in the loss. The 235
parties also shall disclose to one another a clear description 236
of the coverage, exclusions, and limits provided under any 237
automobile insurance maintained pursuant to section 3938.02 of 238
the Revised Code and any other information reasonably necessary 239
to determine insurance coverage. 240

(E) (1) Nothing in this chapter shall be construed to limit 241
the right of a lender or secured party of a personal vehicle to 242
require the transportation network company driver to maintain 243
comprehensive or collision damage coverage, or both, or to show 244
evidence of such coverage to the lender or secured party, for 245

the personal vehicle during both of the following periods of 246
time: 247

(a) When the driver is logged on to the transportation 248
network company's digital network but is not performing 249
transportation network company services; 250

(b) When the driver is performing transportation network 251
company services. 252

(2) If the driver fails to maintain the required 253
comprehensive or collision damage coverage, or to show evidence 254
to the lender or secured party of the coverage upon reasonable 255
request by the lender or secured party, the lender or secured 256
party may obtain the coverage at the expense of the driver 257
without prior notice to the driver. 258

(F) If a transportation network company's insurer makes a 259
payment for a claim covered under comprehensive coverage or 260
collision coverage, the transportation network company shall 261
cause its insurer to issue the payment directly to the business 262
repairing the vehicle or jointly to the owner of the vehicle and 263
the primary lienholder on the vehicle. 264

Sec. 3938.04. (A) Before a transportation network company 265
first allows a transportation network company driver to accept a 266
request for transportation network company services on the 267
company's digital network, the company shall disclose in writing 268
to the driver both of the following: 269

(1) The insurance coverage, including the types of 270
coverage and limits for each type of coverage, that the 271
transportation network company provides while the driver uses a 272
personal vehicle in connection with transportation network 273
company services; 274

(2) That, depending on the terms of the policy, the 275
transportation network company driver's own personal automobile 276
insurance policy might not provide any coverage while the driver 277
uses a personal vehicle to provide or be available to provide 278
transportation network services. 279

(B) In addition to the disclosures required in division 280
(A) of this section, a transportation network company shall 281
provide the following notice to a prospective driver in the 282
prospective driver's terms of service before the company first 283
allows the driver to accept a request for transportation network 284
company services on the company's digital network: 285

"If the vehicle that you plan to use to provide 286
transportation network company services for our transportation 287
network company has a lien against it, you must notify the 288
lienholder that you will be using the vehicle for transportation 289
services that may violate the terms of your contract with the 290
lienholder." 291

Sec. 4509.103. (A) As used in this section and sections 292
4509.101 and 4509.102 of the Revised Code, "electronic wireless 293
communications device" includes any of the following: 294

(1) A wireless telephone, including a cellular telephone; 295

(2) A personal digital assistant; 296

(3) A computer, including a laptop computer, a netbook 297
computer, and a tablet computer; 298

(4) Any other substantially similar wireless device that 299
is designed or used to communicate and displays text or images. 300

~~(B) Each~~ Except as provided in division (C) of this 301
section, each insurer writing motor vehicle liability insurance 302

in this state shall provide financial responsibility 303
identification cards to every policyholder in this state to whom 304
it has delivered or issued for delivery a motor vehicle 305
liability insurance policy. A minimum of one financial 306
responsibility identification card shall be issued for every 307
motor vehicle insured under a motor vehicle liability insurance 308
policy. 309

A financial responsibility identification card shall be 310
valid only for the policy period. The card shall be in a form 311
prescribed by the registrar of motor vehicles. It shall disclose 312
the policy period and shall contain such other information as 313
required by the registrar. 314

(C) ~~Each~~ Notwithstanding division (B) of this section, in 315
lieu of financial responsibility identification cards, each 316
insurer writing motor vehicle liability insurance in this state 317
~~also~~ may provide to ~~every~~ a policyholder in this state to whom 318
it has delivered or issued for delivery a motor vehicle 319
liability insurance policy the ability to utilize an electronic 320
wireless communications device to present proof of financial 321
responsibility to a traffic violations bureau, court, registrar, 322
or peace officer when required to do so by section 4509.101 of 323
the Revised Code. The text or images that are displayed on such 324
a device as the result of the generation and delivery by the 325
insurer of information and data to the device shall conform to 326
the requirements applicable to such text or images that the 327
registrar prescribes in rules adopted under section 4509.101 of 328
the Revised Code. 329

Sec. 4925.01. As used in this chapter, "transportation 330
network company," "transportation network company driver," 331
"transportation company services," "digital network," and 332

"transportation network company rider" have the same meanings as 333
in section 3938.01 of the Revised Code. 334

Sec. 4925.02. (A) The public utilities commission shall 335
issue a transportation network company permit to any entity that 336
does all of the following: 337

(1) Applies for a permit issued in accordance with rules 338
adopted under this section; 339

(2) Affirms that the entity will maintain compliance with 340
the applicable requirements established under sections 4925.03 341
to 4925.08 of the Revised Code and with rules adopted under this 342
section; 343

(3) Submits along with an application for a permit a 344
permit fee of five thousand dollars. 345

Any permit issued under this section is effective for one 346
year commencing on the date of issuance. 347

(B) Nothing in this chapter shall be construed to prohibit 348
the issuance of a transportation network company permit to an 349
entity that is also engaged in providing taxicab services, so 350
long as the entity complies with division (A) of this section, 351
all applicable requirements established under sections 4925.03 352
to 4925.08 of the Revised Code, and rules adopted by the public 353
utilities commission under division (C) of this section. 354

(C) The public utilities commission may adopt rules in 355
accordance with Chapter 119. of the Revised Code for purposes of 356
issuing permits to transportation network companies and 357
implementing the requirements of this chapter. 358

(D) No entity shall operate a transportation network 359
company without a valid permit issued under this section or 360

without complying with rules adopted by the public utilities 361
commission under this section or the applicable requirements of 362
sections 4925.03 to 4925.08 of the Revised Code. 363

Sec. 4925.03. A transportation network company shall do 364
all of the following: 365

(A) Disclose its fare calculation method on its digital 366
network; 367

(B) Provide transportation network company riders or 368
potential riders with the applicable rates charged by the 369
transportation network company; 370

(C) Allow a transportation network company rider or 371
potential rider to request and receive an estimated fare before 372
the rider or potential rider receives transportation network 373
company services; 374

(D) Ensure that for each transportation network company 375
service request one of the following conditions is met: 376

(1) The transportation network company's digital network 377
provides a photograph of the transportation network company 378
driver and the license plate number of the motor vehicle that 379
will provide the transportation network company service before 380
the transportation network company rider enters the vehicle; 381

(2) The name of the transportation network company is 382
prominently displayed on the vehicle that will provide the 383
transportation network company service. 384

(E) Establish a process by which the transportation 385
network company may accept payments for transportation network 386
company services through the company's digital network; 387

(F) Within a reasonable period of time after the 388

completion of transportation network services, transmit an 389
electronic receipt to the transportation network company rider 390
that includes the origin and destination of the trip, the 391
distance of the trip, the total time during which transportation 392
network company services were provided, an itemization of the 393
total fare charged, and, if applicable, that the rider made a 394
cash payment to the driver; 395

(G) Designate an agent located within this state who is 396
authorized to receive service of process; 397

(H) Comply with the requirements established under 398
sections 3938.02 to 3938.04 of the Revised Code; 399

(I) Comply with any other requirements established by the 400
public utilities commission. 401

Sec. 4925.04. (A) Prior to authorizing a person to act as 402
a transportation network company driver, a transportation 403
network company shall do all of the following: 404

(1) Require the person to submit an application to the 405
transportation network company that includes at least all of the 406
following: 407

(a) The person's address; 408

(b) The person's age; 409

(c) The person's driver's license number and information 410
on the person's driving history; 411

(d) A copy of the certificate of motor vehicle 412
registration for the vehicle the person will use to provide 413
transportation network company services; 414

(e) Proof of automobile insurance. 415

- (2) Conduct a background check on each applicant, 416
including both of the following: 417
- (a) A search of a multi-state/multi-jurisdiction criminal 418
records database, or a similar nationwide criminal records 419
database, and validation of any records through a primary source 420
search; 421
- (b) A search of the United States department of justice 422
national sex offender public web site; 423
- (3) Obtain and review a driving history report with regard 424
to each applicant. 425
- (B) A transportation network company shall not authorize a 426
person to act as a transportation network company driver if any 427
of the following apply to the person: 428
- (1) The person does not possess a valid driver's license. 429
- (2) The person does not possess a valid certification of 430
motor vehicle registration for the motor vehicle that the person 431
intends to use to provide transportation network company 432
services. 433
- (3) The person does not possess automobile liability 434
insurance for the vehicle that the person intends to use to 435
provide transportation network company services that meets the 436
requirements of section 3938.02 of the Revised Code unless the 437
transportation network company provides such insurance on behalf 438
of the driver. 439
- (4) The person has not attained the age of nineteen. 440
- (5) Within the past three years, the person has been 441
convicted of, or pleaded guilty to, more than three violations 442
of section 4511.194, 4511.204, 4511.21, 4511.211, 4511.251, 443

4511.29, 4511.30, 4511.39, 4511.46, 4511.47, 4511.711, or 444
4511.75 of the Revised Code or an existing or former municipal 445
ordinance or law of this or any other state, or of the United 446
States, that is substantially equivalent to any offense listed 447
in division (B) (5) of this section. 448

(6) Within the past three years, the person has been 449
convicted of, or pleaded guilty to, any serious vehicle-related 450
offense, including a violation of division (B) of section 451
2921.331 of the Revised Code or a violation of section 4510.11, 452
4510.111, 4510.12, 4510.14, 4510.16, 4510.18, 4511.20, or 453
4511.201 of the Revised Code or an existing or former municipal 454
ordinance or law of this or any other state, or of the United 455
States, that is substantially equivalent to any offense listed 456
in division (B) (6) of this section. 457

(7) Within the past seven years, the person has been 458
convicted of, or pleaded guilty to, any of the following: 459

(a) Operating a vehicle while under the influence of 460
alcohol, a drug of abuse, or a combination of both, in violation 461
of section 4511.19 of the Revised Code; 462

(b) The commission of any felony offense while operating, 463
or being a passenger in, a motor vehicle; 464

(c) A theft or fraud offense in violation of section 465
2911.01 or 2911.02 of the Revised Code or any provision of 466
Chapter 2913. of the Revised Code; 467

(d) A property damage offense in violation of section 468
2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2909.09, 2909.10, 469
or 2909.101 of the Revised Code; 470

(e) A sex offense in violation of any provision of Chapter 471
2907. of the Revised Code; 472

<u>(f) An offense of violence as defined in section 2901.01</u>	473
<u>of the Revised Code;</u>	474
<u>(g) An act of terrorism as defined in section 2909.21 of</u>	475
<u>the Revised Code;</u>	476
<u>(h) A violation of an existing or former municipal</u>	477
<u>ordinance or law of this or any other state, or of the United</u>	478
<u>States, that is substantially equivalent to any offense listed</u>	479
<u>in division (B) (7) of this section.</u>	480
<u>(8) A search of the United States department of justice</u>	481
<u>national sex offender public web site indicates that the person</u>	482
<u>is identified as a sex offender.</u>	483
<u>Sec. 4925.05. (A) (1) A transportation network company</u>	484
<u>shall prohibit any transportation network company driver from</u>	485
<u>logging onto the transportation network company's digital</u>	486
<u>network or providing transportation network company services</u>	487
<u>while under the influence of any amount of alcohol or a drug of</u>	488
<u>abuse. A transportation network company shall notify all drivers</u>	489
<u>of this prohibition and shall provide notice of this policy on</u>	490
<u>the digital network of the transportation network company.</u>	491
<u>(2) As used in division (A) (1) of this section, "drug of</u>	492
<u>abuse" has the same meaning as in section 4506.01 of the Revised</u>	493
<u>Code. For purposes of this section, "drug of abuse" does not</u>	494
<u>include any drug that was obtained pursuant to a prescription</u>	495
<u>issued by a licensed health professional authorized to prescribe</u>	496
<u>drugs if the drug is taken in accordance with the directions of</u>	497
<u>the health professional and does not impair the ability of the</u>	498
<u>person who took the drug to operate a motor vehicle.</u>	499
<u>(B) A transportation network company shall establish a</u>	500
<u>procedure by which a rider may report a complaint against a</u>	501

transportation network company driver for a violation of the 502
company's prohibition established under division (A) of this 503
section. The transportation network company shall provide 504
information about the complaint procedure on the digital network 505
of the transportation network company. Upon receiving a 506
complaint alleging a violation of the prohibition established 507
under division (A) of this section, a transportation network 508
company shall immediately suspend the access of the driver 509
accused of the violation to the transportation network's 510
digital network and shall conduct an investigation into the 511
reported incident. 512

(C) A transportation network company shall retain all 513
complaints submitted under division (B) of this section, and all 514
records related to the investigation of such a complaint, for a 515
period of two years commencing on the date each complaint was 516
filed. 517

Sec. 4925.06. (A) No transportation network company driver 518
shall fail to comply with the nondiscrimination policy of a 519
transportation network company for which the driver provides 520
transportation network services if such a policy has been 521
established or with any applicable law regarding 522
nondiscrimination or the accommodation of service animals. 523

(B) No transportation network company shall charge any 524
additional fee for providing transportation network company 525
services to a person with a disability on the basis of the 526
disability. 527

(C) A transportation network company shall provide an 528
option on the digital network of the transportation network 529
company for a potential rider to request a wheelchair-accessible 530
vehicle. If the transportation network company cannot arrange 531

such a service for a potential rider who requests a wheelchair- 532
accessible vehicle, the transportation network company shall 533
direct the potential rider to another provider if possible. 534

Sec. 4925.07. A transportation network company shall 535
maintain records of both of the following: 536

(A) All transportation network company drivers for not 537
less than two years after the date each driver last provided 538
transportation network company services; 539

(B) Each instance in which transportation network company 540
services are provided for not less than two years after the 541
services are provided. 542

Sec. 4925.08. (A) A transportation network company driver 543
may accept cash payments for transportation network company 544
services if authorized to do so by the transportation network 545
company that controls the digital network through which the 546
driver provides the services. If a transportation network 547
company driver accepts a cash payment for a transportation 548
network company service, the driver shall notify the 549
transportation network company through the digital network that 550
a cash payment has been made and of the amount of the cash 551
payment. In addition, the rider shall confirm the amount of the 552
cash payment through the digital network. Nothing in this 553
section shall be construed to require a transportation network 554
company to authorize the acceptance of cash payments. 555

(B) No transportation network company driver shall solicit 556
or accept any passenger other than through the digital network 557
of the transportation network company at any time during which 558
the transportation network company driver is logged onto the 559
digital network. 560

Sec. 4925.09. (A) (1) The regulation of transportation network companies, transportation network company drivers, and transportation network company services is a matter of general statewide interest that requires statewide regulation. Chapter 4925. and sections 3938.01 to 3938.04 of the Revised Code constitute a comprehensive plan with respect to all aspects of the regulation of transportation network companies, transportation network company drivers, and transportation network company services. Accordingly, except as authorized in division (A) (2) of this section, it is the intent of the general assembly to preempt any local ordinance, resolution, or other law adopted to license, register, tax, or otherwise regulate transportation network companies, transportation network company drivers, or transportation network company services. 561-574

(2) The operator of a public-use airport, as defined in section 4563.30 of the Revised Code, may adopt reasonable standards, regulations, procedures, and fees that are applicable to transportation network company services that are provided to any transportation network company rider who requests service to, from, or on the property of the public-use airport. A transportation network company or transportation network company driver shall comply with any applicable standards, regulations, or procedures adopted by a public-use airport and shall pay any applicable fees in a timely manner. 575-584

(B) With regard to the provision of transportation network company services, no transportation network company or transportation network company driver is subject to regulation as a chauffeured limousine under section 4511.85 of the Revised Code, as a taxicab or vehicle for hire, or as a for-hire motor carrier under Chapters 4921. and 4923. of the Revised Code. No vehicle used to provide transportation network company services 585-591

shall be required to register as a chauffeured limousine, 592
taxicab or vehicle for hire, commercial car, or for-hire motor 593
carrier in order to provide transportation network company 594
services. 595

Sec. 4925.10. (A) Chapters 4111., 4121., 4123., 4141., and 596
sections 4113.15 and 4113.16 of the Revised Code do not apply to 597
transportation network companies with regard to transportation 598
network company drivers and transportation network company 599
drivers are not employees for purposes of those chapters or 600
sections, except where agreed to by written contract. If the 601
parties agree to the application of one or more of these laws in 602
a written contract, the transportation network company shall 603
notify the appropriate agency of the election to cover the 604
driver. If the parties subsequently change this election, the 605
transportation network company shall notify the appropriate 606
agency of the change. 607

(B) Except where agreed to by written contract, a 608
transportation network company driver is not an agent of a 609
transportation network company. 610

(C) A driver may bring an action and recover under section 611
4113.52 of the Revised Code if a transportation network company 612
has discontinued or otherwise removed the driver's access to the 613
transportation network company's digital network because of the 614
driver making a report under that section. If a driver brings an 615
action under that section, the driver shall comply with the 616
procedures for employees established in that section to receive 617
the relief and remedies listed in division (E) of that section. 618

A driver is not an employee for purposes of sections 619
4113.51 and 4113.52 of the Revised Code. Nothing in this 620
division shall be construed to create an employer and employee 621

<u>relationship between a transportation network company driver and</u>	622
<u>a transportation network company.</u>	623
Section 2. That existing section 4509.103 of the Revised	624
Code is hereby repealed.	625