

15103076D

HOUSE BILL NO. 1981

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.22, 46.2-2011.24, and 46.2-2051 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.52, relating to transportation network companies.*

Patrons—Hugo and DeSteph

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.22, 46.2-2011.24, and 46.2-2051 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 20 of Title 46.2 an article numbered 15, consisting of sections numbered 46.2-2099.45 through 46.2-2099.52, as follows:

§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.*

2. Thirty-eight dollars for each private passenger car or motor home ~~which~~ that weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds. ,

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles

INTRODUCED

HB1981

of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000*.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000*.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention, and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these

funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the transportation of passengers on the highways in the Commonwealth are:

1. Twenty-three dollars for each private passenger car or motor home if the passenger car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in § 46.2-2000.*

2. Twenty-eight dollars for each *private* passenger car or motor home ~~which~~ *that* weighs more than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or motor home that weighs more than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.*

3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human beings.

6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate. Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle, trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two or more vehicles both within and outside the Commonwealth and registered for insurance purposes with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the registration fees provided in this subsection so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total

number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in each instance is the estimated total mileage to be traveled by such vehicles during the license year for which such fees are paid, subject to the adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in determining the apportionment provided for herein.

8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000*.

9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more than 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as TNC partner vehicles as defined in § 46.2-2000*.

10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

10b. Eighteen dollars for an autocycle.

11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-carrying vehicles.

13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be used only for emergency medical service purposes. The moneys in the special emergency medical services fund shall be distributed as follows:

a. Two percent shall be distributed to the State Department of Health to provide funding to the Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting volunteer recruitment, retention and training activities;

b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency medical services training programs (excluding advanced life support classes); (ii) advanced life support training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and retain volunteer emergency medical services personnel only, including public awareness campaigns, technical assistance programs, and similar activities); (iv) emergency medical services system development, initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad Assistance Fund;

c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical Services for use in emergency medical services; and

e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is registered, to provide funding for training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for the costs associated with the certification and recertification training of emergency medical services personnel.

The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to

supplant local funds. Each local governing body shall report annually to the Board of Health on the use of the funds returned to it pursuant to this section. In any case in which the local governing body grants the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the locality pursuant to this section for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board.

B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the number of months in the registration period for such motor vehicles, trailers, and semitrailers.

C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

D. The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.

A. The Department shall furnish one license plate for every registered moped, motorcycle, autocycle, tractor truck, semitrailer, or trailer, and two license plates for every other registered motor vehicle, except to licensed motor vehicle dealers and persons delivering unladen vehicles who shall be furnished one license plate. The license plates for trailers, semitrailers, commercial vehicles, and trucks, other than license plates for dealers, may be of such design as to prevent removal without mutilating some part of the indicia forming a part of the license plate, when secured to the bracket.

B. The Department shall issue appropriately designated license plates for:

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, *other than TNC partner vehicles as defined in § 46.2-2000*;

2. Taxicabs;

3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;

4. Property-carrying motor vehicles to applicants who operate as private carriers only;

5. Applicants, *other than TNC partners as defined in § 46.2-2000*, who operate motor vehicles as carriers for rent or hire;

6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and

7. Trailers and semitrailers.

C. The Department shall issue appropriately designated license plates for motor vehicles held for rental as defined in § 58.1-1735.

D. The Department shall issue appropriately designated license plates for low-speed vehicles.

E. No vehicles shall be operated on the highways in the Commonwealth without displaying the license plates required by this chapter. The provisions of this subsection shall not apply to vehicles used to collect and deliver the United States mail to the extent that their rear license plates may be covered by the "CAUTION, FREQUENT STOPS, U.S. MAIL" sign when the vehicle is engaged in the collection and delivery of the United States mail.

F. Pickup or panel trucks are exempt from the provisions of subsection B with reference to displaying for-hire license plates when operated as a carrier for rent or hire. However, this exemption shall not apply to pickup or panel trucks subject to regulation under Chapter 21 (§ 46.2-2100 et seq.).

§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.

A. On receipt of an application, the Commissioner shall issue special license plates celebrating Virginia's tobacco heritage. For each set of license plates issued under this section, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of ten dollars.

B. License plates may be issued under this section for display on vehicles registered as trucks, as that term is defined in § 46.2-100, provided that no license plates are issued pursuant to this section for (i) vehicles operated for hire, *except TNC partner vehicles as defined in § 46.2-2000*; (ii) vehicles registered under the International Registration Plan; or (iii) vehicles registered as tow trucks or tractor trucks as defined in § 46.2-100. No permanent license plates without decals as authorized in subsection B of § 46.2-712 may be issued under this section. For each set of truck license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an annual fee of \$25.

§ 46.2-753. Additional license fees in certain localities.

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner*

305 *vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise used for the*
306 *transportation of passengers for compensation. The additional fee shall be no more than five dollars \$5.*
307 *The total local license fee shall be no more than twenty-five dollars \$25 on any vehicle, and this license*
308 *fee shall not be imposed on any motor vehicle exempted under § 46.2-739.*

309 The governing bodies are also authorized to charge additional annual license fees on the motor
310 vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars
311 \$5 for each such vehicle. This authorization shall not increase the maximum chargeable by more than
312 five dollars \$5 or affect any existing exemption.

313 Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern
314 Virginia Transportation Commission to be a credit to that ~~jurisdiction~~ *locality* making the payment for
315 its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

316 **§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.**

317 A. No county, city, or town shall impose any motor vehicle license tax or fee on any motor vehicle,
318 trailer, or semitrailer when:

319 1. A similar tax or fee is imposed by the county, city, or town wherein the vehicle is normally
320 garaged, stored or parked;

321 2. The vehicle is owned by a nonresident of such locality and is used exclusively for pleasure or
322 personal transportation *or as a TNC partner vehicle as defined in § 46.2-2000* and not *otherwise* for hire
323 or for the conduct of any business or occupation other than that set forth in subdivision 3 of this
324 subsection;

325 3. The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the
326 locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk,
327 butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

328 4. The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the
329 Commonwealth who is a nonresident of such county, city, or town and who uses the vehicle in the
330 performance of his duties for the Commonwealth under an agreement for such use;

331 5. The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales
332 demonstration;

333 6. The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property
334 operating between cities and towns in the Commonwealth and not in intracity transportation or between
335 cities and towns on the one hand and points and places outside cities and towns on the other and not in
336 intracity transportation; or

337 7. The motor vehicle, trailer, or semitrailer is inoperable and unlicensed pursuant to § 46.2-734.

338 B. No county, city, or town shall impose a license fee for any one motor vehicle owned and used
339 personally by any veteran who holds a current state motor vehicle registration card establishing that he
340 has received a disabled veteran's exemption from the Department and has been issued a disabled
341 veteran's motor vehicle license plate as prescribed in § 46.2-739.

342 C. No county, city, or town shall impose any license tax or license fee or the requirement of a
343 license tag, sticker or decal upon any daily rental vehicle, as defined in § 58.1-1735, the rental of which
344 is subject to the tax imposed by subdivision A 2 of § 58.1-1736.

345 D. In the rental agreement between a motor vehicle renting company and a renter, the motor vehicle
346 renting company may separately itemize and charge daily fees or transaction fees to the renter, provided
347 that the amounts of such fees are disclosed at the time of reservation and rental as part of any estimated
348 pricing provided to the renter. Such fees include a vehicle license fee to recover the company's incurred
349 costs in licensing, titling, and registering its rental fleet, concession recovery fees actually charged the
350 company by an airport, or other governmentally owned or operated facility, and consolidated facility
351 charges actually charged by an airport, or other governmentally owned or operated facility for
352 improvements to or construction of facilities at such facility where the motor vehicle rental company
353 operates. The vehicle license fee shall represent the company's good faith estimate of the average per
354 day per vehicle portion of the company's total annual vehicle licensing, titling, and registration costs.

355 No motor vehicle renting company charging a vehicle license fee, concession recovery fee, or
356 consolidated facility charge may make an advertisement in the Commonwealth that includes a statement
357 of the rental rate for a vehicle available for rent in the Commonwealth unless such advertisement
358 includes a statement that the customer will be required to pay a vehicle license fee, concession recovery
359 fee, or consolidated facility charge. The vehicle license fee, concession recovery fee, or consolidated
360 facility charge shall be shown as a separately itemized charge on the rental agreement. The vehicle
361 license fee shall be described in either the terms and conditions of the rental agreement as the "estimated
362 average per day per vehicle portion of the company's total annual vehicle licensing, titling, and
363 registration costs" or, for renters participating in an extended rental program pursuant to a master rental
364 agreement, by posting such statement on the rental company website.

365 Any amounts collected by the motor vehicle renting company in excess of the actual amount of its
366 costs incurred relating to its vehicle license fees shall be retained by the motor vehicle renting company

and applied toward the recovery of its next calendar year's costs relating to such fees. In such event, the good faith estimate of any vehicle license fee to be charged by the company for the next calendar year shall be reduced to take into account the excess amount collected from the prior year.

E. As used in this section, common carrier of persons or property includes any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or household goods for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, that has obtained the required certificate from the Department of Motor Vehicles pursuant to § 46.2-2075 or 46.2-2150.

§ 46.2-1400. "Ridesharing arrangement" defined.

"Ridesharing arrangement" means the transportation of persons in a motor vehicle when such transportation is incidental to the principal purpose of the driver, which is to reach a destination and not to transport persons for profit. The term includes ridesharing arrangements known as carpools, vanpools, and bus pools. *"Ridesharing arrangement" does not include a prearranged ride as defined in § 46.2-2000.*

§ 46.2-2000. Definitions.

Whenever used in this chapter unless expressly stated otherwise:

"Authorized insurer" means, in the case of an interstate motor carrier whose operations may or may not include intrastate activity, an insurer authorized to transact business in any one state, or, in the case of a solely intrastate motor carrier, an insurer authorized to transact business in the Commonwealth.

"Broker" means any person not included in the term "motor carrier" or "transportation network company" and not a bona fide employee or agent of any such carrier or company, who, as principal or agent, sells or offers for sale any transportation subject to this chapter, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Carrier by motor launch" means a common carrier ~~or contract carrier, which carrier~~ that uses one or more motor launches operating on the waters within the Commonwealth to transport passengers.

"Certificate" means a certificate of public convenience and necessity or a certificate of fitness.

"Certificate of fitness" means a certificate issued by the Department to a contract passenger carrier, a sight-seeing carrier, or a nonemergency medical transportation carrier.

"Certificate of public convenience and necessity" means a certificate issued by the Department of Motor Vehicles to certain common carriers, but nothing contained in this chapter shall be construed to mean that the Department can issue any such certificate authorizing intracity transportation.

"Common carrier" means any person who undertakes, whether directly or by a lease or any other arrangement, to transport passengers for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water under this chapter. "Common carrier" does not include nonemergency medical transportation carriers, *transportation network companies, or TNC partners* as defined in this section.

~~"Contract carrier" means any person who, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers for compensation.~~

"Contract passenger carrier" means a motor carrier that transports groups of passengers under a single contract made with one person for an agreed charge for such transportation, regardless of the number of passengers transported, and for which transportation no individual or separate fares are solicited, charged, collected, or received by the carrier. *"Contract passenger carrier" does not include a transportation network company or TNC partner as defined in this section.*

"Department" means the Department of Motor Vehicles.

"Employee hauler" means a motor carrier operating for compensation and exclusively transporting only bona fide employees directly to and from the factories, plants, office or other places of like nature where the employees are employed and accustomed to work.

"Excursion train" means any steam-powered train that carries passengers for which the primary purpose of the operation of such train is the passengers' experience and enjoyment of this means of transportation, and does not, in the course of operation, carry (i) freight other than the personal luggage of the passengers or crew or supplies and equipment necessary to serve the needs of the passengers and crew, (ii) passengers who are commuting to work, or (iii) passengers who are traveling to their final destination solely for business or commercial purposes.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in this chapter.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

"Identification marker" means a decal or other visible identification issued *or required* by the

428 Department to show *one or more of the following*: (i) that the operator of the vehicle has registered with
429 the Department for the payment of the road tax imposed under Chapter 27 (§ 58.1-2700 et seq.) of Title
430 58.1; (ii) proof of the possession of a certificate or permit issued pursuant to Chapter 20 (§ 46.2-2000
431 et seq.) of this title; and/or; (iii) *proof that the vehicle has been authorized by a transportation network*
432 *company to be operated as a TNC partner vehicle, in accordance with § 46.2-2099.50; or (iv) proof of*
433 *compliance with the insurance requirements of this chapter.*

434 "Interstate" means transportation of passengers between states.

435 "Intrastate" means transportation of passengers solely within a state.

436 "License" means a license issued by the Department to a broker.

437 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
438 31 passengers, including the driver, and used in the transportation of passengers.

439 "Motor carrier" means any person who undertakes, whether directly or by lease, to transport
440 passengers for compensation over the highways of the Commonwealth.

441 "Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the
442 carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of
443 fifty passengers. "Motor launch, as defined herein, shall" does not include sight-seeing vessels, special or
444 charter party vessels within the provisions of this chapter. A carrier by motor launch shall not be
445 regarded as a steamship company.

446 "Nonemergency medical transportation carrier" means a motor carrier that exclusively provides
447 nonemergency medical transportation and provides such transportation only (i) through the Department
448 of Medical Assistance Services; (ii) through a broker operating under a contract with the Department of
449 Medical Assistance Services; or (iii) as a Medicaid Managed Care Organization contracted with the
450 Department of Medical Assistance Services to provide such transportation.

451 "Nonprofit/tax-exempt passenger carrier" means a bona fide nonprofit corporation organized or
452 existing under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, or a tax-exempt organization as defined in
453 §§ 501(c)(3) and 501(c)(4) of the United States Internal Revenue Code, as from time to time amended,
454 who undertakes, whether directly or by lease, to control and operate minibuses exclusively in the
455 transportation, for compensation, of members of such organization if it is a membership corporation, or
456 of elderly, disabled, or economically disadvantaged members of the community if it is not a membership
457 corporation.

458 "Operation" or "operations" includes the operation of all motor vehicles, whether loaded or empty,
459 whether for compensation or not, and whether owned by or leased to the motor carrier who operates
460 them or causes them to be operated.

461 "Operation of a TNC partner vehicle" means (i) any time a TNC partner is logged into a digital
462 platform and is available to pick up passengers; (ii) any time a passenger is in the TNC partner
463 vehicle; and (iii) any time the TNC partner has accepted a prearranged ride request through the digital
464 platform and is en route to a passenger.

465 "Operator" means the employer or person actually driving a motor vehicle or combination of
466 vehicles.

467 "Permit" means a permit issued by the Department to carriers operating as employee haulers or
468 nonprofit/tax-exempt passenger carriers or to operators of taxicabs or other vehicles performing taxicab
469 service under this chapter.

470 "Person" means any individual, firm, copartnership, corporation, company, association or joint-stock
471 association, and includes any trustee, receiver, assignee, or personal representative thereof.

472 "Personal vehicle" means a motor vehicle that is not used to transport passengers for compensation
473 except as a TNC partner vehicle.

474 "Prearranged ride" means passenger transportation for compensation in a TNC partner vehicle
475 arranged through a digital platform. "Prearranged ride" includes the period of time that begins when a
476 TNC partner accepts a ride requested through a digital platform, continues while the TNC partner
477 transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner
478 vehicle.

479 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
480 other arrangement, to transport passengers for compensation, whereby such transportation service has
481 been restricted. "Restricted common carrier" does not include a transportation network company or TNC
482 partner as defined in this section.

483 "Route," when used in connection with or with respect to a certificate of public convenience and
484 necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of
485 public convenience and necessity or proposed to be operated over by an applicant therefor, whether such
486 road or highway is designated by one or more highway numbers.

487 "Services" and "transportation" include the service of, and all transportation by, all vehicles operated
488 by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or
489 implied, together with all facilities and property operated or controlled by any such carrier or carriers

and used in the transportation of passengers or the performance of any service in connection therewith.

"Sight-seeing carrier" means a restricted common carrier authorized to transport passengers under the provisions of this chapter, whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism.

"Sight-seeing carrier by boat" means a restricted common carrier, which restricted common carrier uses a boat or boats operating on waters within the Commonwealth to transport passengers, and whereby the primary purpose of the operation is the passengers' experience and enjoyment ~~and/or~~ or the promotion of tourism. Sight-seeing carriers by boat shall not be regarded as steamship companies.

"Single state insurance receipt" means any receipt issued pursuant to 49 C.F.R. Part 367 evidencing that the carrier has the required insurance and paid the requisite fees to the Commonwealth and other qualified jurisdictions.

"Special or charter party carrier by boat" for purposes of this chapter shall mean a restricted common carrier which transports groups of persons under a single contract made with one person for an agreed charge for such movement regardless of the number of persons transported. Special or charter party carriers by boat shall not be regarded as steamship companies.

"Taxicab or other motor vehicle performing a taxicab service" means any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier, *transportation network company*, *TNC partner*, or nonemergency medical transportation carrier as defined in this chapter.

"TNC insurance" means a motor vehicle liability insurance policy that covers liabilities arising from a TNC partner's operation of a TNC partner vehicle.

"TNC partner" means a person authorized by a transportation network company to use a TNC partner vehicle to provide prearranged rides on an intrastate basis in the Commonwealth.

"TNC partner vehicle" means a personal vehicle authorized by a transportation network company and used by a TNC partner to provide prearranged rides on an intrastate basis in the Commonwealth.

"Transportation network company" means a person who uses a digital platform to connect passengers to a network of TNC partners. A transportation network company is not deemed to own, control, operate, or manage the vehicles used by TNC partners and is not a motor carrier.

§ 46.2-2011.3. Application; notice requirements.

A. Applications for a license, permit, certificate, or identification marker or renewal of a license, permit, certificate, or identification marker under this chapter shall be made to the Department and contain such information and exhibits as the Department shall require. Such information shall include, in the application or otherwise, the matters set forth in § 46.2-2011.24 as grounds for denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of the public interest.

Notwithstanding any other provision of this chapter, the Commissioner may require all or certain applications for a license, permit, certificate, or trade dress to be filed electronically.

B. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate, unless otherwise provided, shall cause a notice of such application, on the form and in the manner prescribed by the Department, on every motor carrier holding the same type of certificate issued by the Department and operating or providing service within the area proposed to be served by the applicant.

C. For any application for original certificate or license issued under this chapter, or any request for a transfer of such certificate or license, the Department shall publish a notice of such application on the Department's public website in the form and in the manner prescribed by the Department.

D. An applicant for any original certificate of public convenience and necessity issued under this chapter, or any request for a transfer of such certificate of public convenience and necessity, shall cause a publication of a summary of the application to be made in a newspaper having a general circulation in the proposed area to be served or area where the primary business office is located within such time as the Department may prescribe.

§ 46.2-2011.5. Filing and application fees.

Unless otherwise provided, every applicant, *other than a transportation network company*, for an original license, permit, or certificate issued under this chapter and transfer of a license or certificate under the provisions of this chapter shall, upon the filing of an application, deposit with the Department, as a filing fee, a sum in the amount of ~~fifty dollars~~ \$50. *The fee to accompany an application for an original of the certificate required under § 46.2-2099.45 shall be \$70,000, and the annual fee to accompany an application for a renewal thereof shall be \$3,000.* The Department shall collect a fee of ~~three dollars~~ \$3 for the issuance of a duplicate license, permit, or certificate.

§ 46.2-2011.6. Vehicle fees.

Every person, *other than a TNC partner*, who operates a passenger vehicle for compensation over the highways of the Commonwealth, unless such operation is exempted from this chapter, shall be required

551 to pay an annual fee of \$3 for each such vehicle so operated, unless a vehicle identification marker fee
552 has been paid to the Department as to such vehicle for the current year under the provisions of Chapter
553 27 (§ 58.1-2700 et seq.) of Title 58.1. Such fee shall be paid through the single state registration system
554 established pursuant to 49 U.S.C. § 14504 and 49 CFR Part 367 or through the unified carrier
555 registration system established pursuant to 49 U.S.C. § 14504a and the federal regulations promulgated
556 thereunder for carriers registered pursuant to those provisions. No more than one vehicle fee shall be
557 charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1
558 and this chapter, including payments made pursuant to the single state registration system or the unified
559 carrier registration system.

560 **§ 46.2-2011.22. Violation; criminal penalties.**

561 A. Any person knowingly and willfully violating any provision of this chapter, or any rule or
562 regulation thereunder, or any term or condition of any certificate, permit, or license, for which a penalty
563 is not otherwise herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined
564 not more than \$2,500 for the first offense and not more than \$5,000 for any subsequent offense. Each
565 day of such violation shall constitute a separate offense.

566 B. Any person, whether carrier, broker, *transportation network company*, or any officer, employee,
567 agent, or representative thereof, *or a TNC partner*, who ~~shall~~ knowingly and willfully by any such
568 means or otherwise fraudulently ~~seek~~ *seeks* to evade or defeat regulation as in this chapter, shall be
569 deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$500 for the first
570 offense and not more than \$2,000 for any subsequent offense.

571 C. Any motor carrier, broker, *transportation network company*, or excursion train operator or any
572 officer, agent, employee, or representative thereof, *or a TNC partner*, who willfully fails or refuses to
573 make a report to the Department as required by this chapter or to keep accounts, records, and
574 memoranda in the form and manner approved or prescribed by the Department, or knowingly and
575 willfully falsifies, destroys, mutilates, or alters any such report, account, record or memorandum, or
576 knowingly and willfully files any false report, account, record or memorandum, shall be guilty of a
577 misdemeanor and, upon conviction, be subject for each offense to a fine of not less than \$100 and not
578 more than \$5,000.

579 **§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

580 A license, permit, or certificate issued pursuant to this chapter may be denied, suspended, or revoked
581 on any one or more of the following grounds, where applicable:

582 1. Material misstatement or omission in application for license, certificate, permit, identification
583 marker, or vehicle registration;

584 2. Failure to comply subsequent to receipt of a written warning from the Department or any willful
585 failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by
586 the Department under this chapter, or any term, condition, or restriction of a license, permit, or
587 certificate;

588 3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;

589 4. Use of deceptive business acts or practices;

590 5. Knowingly advertising by any means any assertion, representation, or statement of fact that is
591 untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate,
592 permit, identification marker, or vehicle registration is held or sought;

593 6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or
594 deceptive acts in connection with the business for which a license, permit, or certificate is held or
595 sought or any consumer-related fraud;

596 7. Having been convicted of any criminal act involving the business for which a license, permit, or
597 certificate is held or sought;

598 8. Failure to comply with § 46.2-2056 or any regulation promulgated pursuant thereto;

599 9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate,
600 permit, identification marker, or vehicle registration;

601 10. Having been convicted of a felony;

602 11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral
603 turpitude;

604 12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the
605 Department;

606 13. Failure to furnish the Department information, documentation, or records required or requested
607 pursuant to statute or regulation;

608 14. Knowingly and willfully filing any false report, account, record, or memorandum;

609 15. Failure to meet or maintain application certifications or requirements of public convenience and
610 necessity, character, fitness, and financial responsibility pursuant to this chapter;

611 16. Willfully altering or changing the appearance or wording of any license, permit, certificate,
612 identification marker, license plate, or vehicle registration;

17. Failure to provide services in accordance with license, permit, or certificate terms, limitations, conditions, or requirements;

18. Failure to maintain and keep on file with the Department motor carrier liability insurance, issued by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance, certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect to each motor vehicle operated in the Commonwealth;

19. Failure to comply with the Workers' Compensation Act of Title 65.2;

20. Failure to properly register a motor vehicle under this title;

21. Failure to comply with any federal motor carrier statute, rule, or regulation;

22. Failure to comply with the requirements of the Americans with Disabilities Act or the Virginians with Disabilities Act; or

23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to operate under such certificate or permit for a period of greater than three months; or

24. Failure to comply with any provision regarding the filing and registered agent requirements set forth in Title 13.1.

§ 46.2-2051. Application of article.

Unless otherwise stated, this article shall apply to all motor carriers and shall not apply to transportation network companies.

Article 15.

Transportation Network Companies.

§ 46.2-2099.45. Certificates required unless exempted.

Unless otherwise exempted, no person shall engage in the business of a transportation network company on any highway within the Commonwealth on an intrastate basis unless such person has secured from the Department a certificate of fitness authorizing such business.

§ 46.2-2099.46. Control, supervision, and regulation by Department.

Except as otherwise provided in this chapter, every transportation network company, TNC partner, and TNC partner vehicle shall be subject to exclusive control, supervision, and regulation by the Department, except that enforcement of statutes and Department regulations shall be not only by the Department, but also by the Department of State Police, local law-enforcement agencies, and law-enforcement departments of airport owners and operators. Nothing in this section shall be construed as authorizing the adoption of local ordinances providing for local regulation of transportation network companies, TNC partners, or TNC partner vehicles.

§ 46.2-2099.47. Operation except in accordance with chapter prohibited.

No transportation network company or TNC partner shall operate any TNC partner vehicle for the transportation of passengers on any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of this chapter.

§ 46.2-2099.48. General operational requirements for transportation network companies and TNC partners.

A. A transportation network company and a TNC partner shall provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a personal vehicle. No TNC partner shall transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A TNC partner shall not solicit, accept, arrange, or provide transportation in any other manner.

B. A transportation network company shall authorize collection of fares for transporting passengers solely through a digital platform. A TNC partner shall not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform.

C. A transportation network company shall publish the following information on its public website and associated digital platform:

1. The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare;

2. Information about its TNC partner screening criteria;

3. The means for a passenger or other person to report a TNC partner reasonably suspected of operating a TNC partner vehicle under the influence of drugs or alcohol;

4. Information about the company's training and testing policies for TNC partners;

5. Information about the company's standards for TNC partner vehicles; and

6. A customer support telephone number or email address and instructions regarding any alternative methods for reporting a complaint.

D. A transportation network company shall associate a TNC partner with one or more personal vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically

674 associated with a TNC partner by the transportation network company. A TNC partner shall not
675 transport passengers except in a TNC partner vehicle associated with the TNC partner by the
676 transportation network company.

677 E. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage
678 under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and
679 each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present
680 such proof of insurance upon request to a law-enforcement officer, airport owner and operator, official
681 of the Washington Metropolitan Area Transit Commission, or any party involved in an accident that
682 occurs during the operation of a TNC partner vehicle. The transportation network company shall
683 require the TNC partner's compliance with the provisions of this subsection.

684 F. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall
685 provide through the digital platform to the person prearranging the ride the first name and a
686 photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate
687 number of the TNC partner vehicle.

688 G. A transportation network company shall provide to each of its TNC partners a credential, which
689 may be displayed as part of the digital platform, that includes the following information:

- 690 1. The name or logo of the transportation network company or associated digital platform;
691 2. The name and a photograph of the TNC partner; and
692 4. The make, model, and license plate number of each TNC partner vehicle associated with the TNC
693 partner.

694 The TNC partner shall carry the credential at all times during the operation of a TNC partner
695 vehicle and shall present the credential upon request to law-enforcement officers, airport owners and
696 operators, officials of the Washington Metropolitan Area Transit Commission, or a passenger. The
697 transportation network company shall require the TNC partner's compliance with this subsection.

698 H. A transportation network company shall make the following information available to the
699 passenger through the digital platform used by the transportation network company at all times during a
700 prearranged ride:

- 701 1. The name of the transportation network company or associated digital platform; and
702 2. A map of the route taken.

703 I. Upon completion of a prearranged ride, a transportation network company shall transmit to the
704 person who prearranged the ride an electronic receipt that includes:

- 705 1. A map of the route taken;
706 2. The date and the times the trip began and ended;
707 3. The total fare, including the base fare and any additional charges incurred for distance traveled
708 or duration of the prearranged ride;
709 4. The TNC partner's first name and photograph; and
710 5. Contact information by which additional support may be obtained.

711 J. The transportation network company shall adopt a policy of nondiscrimination on the basis of
712 destination, race, color, national origin, religious belief or affiliation, sex, disability, sexual orientation,
713 and gender identity with respect to passengers and potential passengers and notify TNC partners of
714 such policy.

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

718 A transportation network company shall allow customers or passengers prearranging rides to
719 indicate whether a passenger requires a wheelchair-accessible vehicle. If a transportation network
720 company cannot arrange a wheelchair-accessible vehicle, it shall direct the customer or passenger to an
721 alternative provider of wheelchair-accessible service, if available.

722 A transportation network company shall not impose additional charges for providing services to
723 persons with physical or mental disabilities because of those disabilities.

724 TNC partners shall comply with all applicable laws relating to accommodation of service animals.

725 A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including
726 any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the
727 passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the
728 TNC partner has already committed to providing a ride for another passenger.

729 A TNC partner shall immediately report to the transportation network company any refusal to
730 transport a passenger after accepting a request to transport that passenger.

731 K. Nothing in this article shall be construed to limit the authority of airport authorities to regulate
732 any for-hire carriers, including TNC partners, on airport property.

733 L. A TNC partner shall access and utilize a transportation network company's digital platform in a
734 manner that is consistent with Virginia traffic laws.

735 M. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13

hours in any 24-hour period.

§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.

A. Before authorizing an individual to act as a TNC partner, a transportation network company shall confirm that the person is at least 21 years old and possesses a valid driver's license.

B. 1. Before authorizing an individual to act as a TNC partner, and every two years after authorizing an individual to act as a TNC partner, a transportation network company shall obtain a national criminal history record check on that person. Such criminal history record check shall include a search of: (i) a multistate criminal records locator or other similar commercial nationwide database with validation (primary source search) and (ii) the National Sex Offender Registry database.

2. Before authorizing an individual to act as a TNC partner, a transportation network company shall obtain and review a driving history research report on that person from the individual's state of licensure. The transportation network company shall obtain and review an additional report at least once per year after authorizing a person to act as a TNC partner, unless the transportation network company participates in a driver record monitoring program approved by the Department with respect to such person.

3. Before authorizing an individual to act as a TNC partner, and every two years after authorizing a person to act as a TNC partner, a transportation network company shall verify that the person is not listed in the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offenders Public Website.

C. A transportation network company shall not authorize an individual to act as a TNC partner if the criminal history record check required under subsection B reveals that the individual:

1. Is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 or is listed on the U.S. Department of Justice's National Sex Offenders Public Website;

2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent crime as defined in subsection C of § 17.1-805, either under Virginia law or of the United States or any political subdivision thereof;

3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to any of the following offenses, either under Virginia law or of the United States or any political subdivision thereof: (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license pursuant to § 46.2-389 or 46.2-391; or

4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to any of the following offenses under Virginia law or of the United States or any political subdivision thereof: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3.

D. A transportation network company shall employ a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners and shall include a notice concerning the policy on its website and associated digital platform.

E. A transportation network company shall make the following disclosures in writing to a TNC partner or prospective TNC partner:

1. The transportation network company shall (i) disclose the liability insurance coverage and limits of liability that the transportation network company provides while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and (ii) advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide liability coverage when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

2. The transportation network company shall (i) disclose any collision or comprehensive coverage for damage to the vehicle used by the TNC partner in connection with the transportation network company's digital platform that the transportation network company provides and (ii) advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation network company's digital platform.

3. The transportation network company shall (i) disclose the uninsured motorist and underinsured motorist coverage and policy limits provided by the transportation network company while the TNC partner uses a vehicle in connection with the transportation network company's digital platform and (ii) advise the TNC partner that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in

797 connection with a transportation network company's digital platform.

798 4. The transportation network company shall disclose to TNC partners that, if the vehicle the TNC
799 partner plans to use to transport passengers has a lien against it, the TNC partner should check the
800 terms of his or her contract with the lienholder to ensure that such use is consistent with those terms.

801 F. A TNC partner shall inform each transportation network company that has authorized him to act
802 as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner,
803 including any of the following: a change in the registration status of the TNC partner vehicle;
804 revocation or suspension of the TNC partner's driver's license; a motor vehicle moving violation; and a
805 criminal arrest, plea, or conviction.

806 **§ 46.2-2099.50. Requirements for TNC partner vehicles; trade dress issued by transportation**
807 **network company.**

808 A. A TNC partner vehicle shall:

809 1. Be a personal vehicle;

810 2. Have a seating capacity of no more than eight persons, including the driver;

811 3. Be validly titled and registered in Virginia or in another state;

812 4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the
813 vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;

814 5. Have a valid safety inspection by an inspection station in Virginia or in another state that meets
815 the standards of inspection stations approved by the Superintendent and carry proof of that inspection in
816 the vehicle; and

817 6. Be covered under a TNC insurance policy or policies meeting the requirements of § 46.2-2099.51.

818 No TNC partner shall operate a TNC partner vehicle unless that vehicle meets the requirements of
819 this subsection.

820 B. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network
821 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
822 TNC partner with proof of any TNC insurance policy or policies maintained by the transportation
823 network company.

824 For each TNC partner vehicle it authorizes, a transportation network company shall issue to the
825 TNC partner associated with that vehicle a consistent and distinctive trade dress consisting of a logo,
826 insignia, or emblem that identifies the personal vehicle as having been authorized by the transportation
827 network company to be operated as a TNC partner vehicle. The trade dress shall be sufficient to identify
828 the transportation network company with which the vehicle is affiliated and shall be displayed in a
829 manner that complies with Virginia law. The trade dress shall be of such size, shape, and color as to be
830 readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion
831 and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take
832 the form of a removable device that meets the identification and visibility requirements of this
833 subsection.

834 The transportation network company shall submit to the Department proof that the transportation
835 network company has established the trade dress required under this subsection by filing with the
836 Department an illustration or photograph of the trade dress.

837 A TNC partner shall keep the trade dress issued under this section visible at all times while the
838 vehicle is being operated as a TNC partner vehicle.

839 No person shall operate a vehicle bearing trade dress issued under this section without the
840 authorization of the transportation network company issuing the trade dress.

841 **§ 46.2-2099.51. TNC insurance.**

842 A. At all times during the operation of a TNC partner vehicle, a transportation network company or
843 TNC partner shall keep in force TNC insurance as provided in this section.

844 B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts
845 a prearranged ride request on a transportation network company's digital platform until the TNC
846 partner completes the transaction on the digital platform or until the prearranged ride is complete,
847 whichever is later:

848 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and
849 the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1
850 million.

851 2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage at
852 levels consistent with the requirements of § 38.2-2206. Such coverage shall apply from the moment a
853 passenger enters a TNC partner vehicle until the passenger exits the vehicle.

854 3. The requirements of this subsection may be satisfied by any of the following:

855 a. TNC insurance maintained by a TNC partner;

856 b. TNC insurance maintained by a transportation network company; or

857 c. Any combination of subdivisions a and b.

858 C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs

on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and bodily injury and at least \$25,000 for property damage.

2. Contingent automobile liability insurance in the amounts required in subdivision C 1 shall be maintained by a transportation network company and provide coverage in the event a participating TNC partner's own automobile insurance policy excludes coverage according to its policy terms or does not provide at least the limits of coverage required in subdivision C 1.

D. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance obligations of this section has lapsed or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

E. This section shall not limit the liability of a transportation network company arising out of an accident involving a TNC partner in any action for damages against a transportation network company for an amount above the required insurance coverage.

F. In a claims coverage investigation, a transportation network company or its insurer shall cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of information, including the dates and times at which an accident involving a TNC partner occurred and the precise times that the TNC partner logged on and off the transportation network company's digital platform.

G. Nothing in this section shall be construed to require a personal automobile insurance policy to provide primary or excess coverage during the period of time when a TNC partner accepts a ride request on the transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the ride is complete, whichever is later.

H. Notwithstanding any other law, a personal automobile insurer may, in its discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an existing policy, that covers a motor vehicle with a seating capacity of eight or fewer persons, including the driver, while used as a TNC partner vehicle.

I. Any insurance required by this section may be placed with an insurer licensed under Article 3 (§ 38.2-1819 et seq.) of Chapter 18 of Title 38.2 or with a surplus lines insurer eligible under Article 5.1 (§ 38.2-1857.1 et seq.) of Chapter 18 of Title 38.2. Any insurance policy required by this section will satisfy the financial responsibility requirement for a motor vehicle under § 46.2-706.

J. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any transportation network company that has not certified to the Department that every TNC partner vehicle it has authorized to operate on its digital platform is covered by an insurance policy or policies that meet the requirements of this section.

K. Each transportation network company shall keep on file with the Department proof of an insurance policy or policies maintained by the transportation network company in accordance with this section. Such proof shall be in a form acceptable to the Commissioner. A record of the policy or policies shall remain in the files of the Department six months after the certificate is canceled for any cause.

L. The Department may suspend a certificate if the certificate holder fails to comply with the requirements of this section. Any person whose certificate has been suspended pursuant to this subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

§ 46.2-2099.52. Recordkeeping and reporting requirements for transportation network companies.

A. Records maintained by a transportation network company shall be adequate to confirm compliance with subsection C of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall at a minimum include:

1. True and accurate results of each national criminal history record check obtained by the transportation network company for each individual that the transportation network company authorizes to act as a TNC partner;

2. True and accurate results of the driving history research report obtained by the transportation network company for each individual that the transportation network company authorizes to act as a TNC partner;

3. Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program;

4. True and accurate results of the sex offender screening obtained by the transportation network company for each individual that the transportation network company authorizes to act as a TNC partner;

920 5. A statement certifying that the transportation network company confirmed each TNC partner's age
921 and driver's license status;

922 6. A statement certifying that the transportation network company confirmed the compliance of each
923 TNC partner vehicle with all requirements enumerated in subsection A of § 46.2-2099.50; and

924 7. Proof of compliance with the notice requirements of subsection C of § 46.2-2099.48 and
925 subsections D and E of § 46.2-2099.49.

926 A transportation network company shall retain all records required under this subsection for a
927 period of three years. If any person files a complaint with the Department against a transportation
928 network company or TNC partner, the Department may inspect the records described in this subsection
929 as reasonably necessary to investigate and resolve the complaint.

930 B. 1. On an annual basis, each transportation network company authorized under this chapter shall
931 provide to the Department up to 1,000 unique identification numbers, each of which has been assigned
932 to an individual TNC partner associated with the transportation network company.

933 2. The Department may at any time send to a transportation network company a list of up to 25
934 driver identification numbers and request copies of records held by the transportation network company
935 for those 25 TNC partners. Within three business days of receiving a request seeking records, the
936 transportation network company shall provide to the Department, in an electronic format acceptable to
937 the Department, the records described in subsection A for each of the TNC partners associated with the
938 driver identification numbers that the Department has identified.

939 3. A transportation network responding to an audit request may redact any records it produces to
940 the Department to protect the privacy and identifying information of the TNC partner, including the
941 TNC partner's name, social security number (other than the last four digits), and address.

942 C. A transportation network company shall maintain the following records, which shall be made
943 available to the Department, a law-enforcement officer, an official of the Washington Metropolitan Area
944 Transit Commission, or an airport owner and operator upon issuance of a subpoena:

945 1. Data regarding TNC partner activity while logged in to the transportation network company's
946 digital platform, including beginning and ending times and locations of each prearranged ride;

947 2. Records regarding any actions taken against a TNC partner;

948 3. Contracts or agreements between the transportation network company and its TNC partners;

949 4. Information identifying a TNC partner, including the TNC partner's name, date of birth, and
950 driver's license number and the state issuing the license;

951 5. Information identifying a TNC partner vehicle, including the vehicle's make, model, model year,
952 vehicle identification number, and license plate number and the state issuing the license plate; and

953 6. Summary data regarding the number of TNC partners and TNC partner vehicles.

954 A transportation network company shall keep all records required under this subsection in a manner
955 that permits systematic retrieval when requested by subpoena pursuant to this section.

956 D. Information obtained by the Department, law-enforcement officers, officials of the Washington
957 Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall
958 be considered privileged information and shall only be used by the Department, law-enforcement
959 officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and
960 operators for the performance of their official duties. Such information shall not be subject to disclosure
961 except on the written request of a representative of the Department, a law-enforcement officer, an
962 official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator
963 who requires such information for the performance of official duties.

964 E. Information obtained by the Department, law-enforcement officers, officials of the Washington
965 Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall
966 not be disclosed to anyone without the transportation network company's express written permission and
967 shall not be subject to disclosure through a court order or through a third party request submitted
968 pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). This provision shall not be
969 construed to mean that a person is denied the right to seek such information directly from a
970 transportation network company during a court proceeding.

971 F. Except as required under this section, a transportation network company shall not disclose any
972 personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

973 1. The transportation network company obtains the user's consent to disclose the personal
974 information;

975 2. The disclosure is necessary to comply with a legal obligation; or

976 3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or
977 to investigate violations of the terms and conditions.

978 This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to
979 information about the user that is not personal information as defined in § 2.2-3801. In addition, a
980 transportation network company shall be permitted to share a passenger's name or telephone number
981 with the TNC partner providing the TNC services to such passenger in order to facilitate correct

982 *identification of the passenger by the TNC partner or to facilitate communication between the passenger*
983 *and the TNC partner.*

984 **2. That the Department of Motor Vehicles shall periodically consult with local government officials**
985 **to determine whether transportation network companies have had an impact on the availability of**
986 **wheelchair-accessible transportation services. If evidence suggests an impact, the Department shall**
987 **work collaboratively with appropriate stakeholders to develop recommendations to be submitted to**
988 **the Chairmen of the House and Senate Transportation Committees.**

989 **3. That beginning July 1, 2016, the Department of Motor Vehicles shall undertake a review of the**
990 **fees set forth in § 46.2-2011.5 of the Code of Virginia, as amended by this act, to determine**
991 **whether those fees adequately cover the Department's costs of administering the additional**
992 **responsibilities imposed on the Department under this act. The Department shall report the results**
993 **of this review to the Chairmen of the House and Senate Transportation Committees no later than**
994 **December 1, 2016.**

995 **4. That the provisions of subsection J of § 46.2-2099.48, as created by this act, which require a**
996 **digital platform to allow customers or passengers prearranging rides to indicate whether a**
997 **passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to**
998 **individuals with disabilities, shall become effective on July 1, 2016.**

INTRODUCED

HB1981