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SENATE BILL NO. 1025

Offered January 14, 2015

Prefiled January 12, 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, 46.2-2011.29, 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—Watkins, Marsden, Obenshain, Stanley and McWaters

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, 46.2-2011.29, 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

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

71 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
72 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
73 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
74 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as*
75 *TNC partner vehicles as defined in § 46.2-2000.*

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

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

83 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
84 be used to meet the expenses of the Department.

85 10b. Eighteen dollars for an autocycle.

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

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

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

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

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

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

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

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

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

121 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
 122 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
 123 be in addition to any local appropriations and local governing bodies shall not use these funds to
 124 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
 125 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
 126 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit
 127 emergency medical and rescue services, the local governing body shall remain responsible for the proper
 128 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the
 129 locality pursuant to this section for that year has not been received from a local governing body, any
 130 funds due to that local governing body for the next fiscal year shall be retained until such time as the
 131 report has been submitted to the Board.

132 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 133 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 134 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 135 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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

141 **§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of**
 142 **passengers; weights used for computing fees; burden of proof.**

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 146 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for
 147 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
 148 chauffeur; *however, the fee provided under this subdivision shall apply to a private passenger car or*
 149 *motor home that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in*
 150 *§ 46.2-2000.*

151 2. Twenty-eight dollars for each *private* passenger car or motor home ~~which~~ that weighs more than
 152 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is
 153 not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the*
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 171 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

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 176 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
 177 with the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
 178 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
 179 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
 180 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
 181 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total

182 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
183 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
184 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
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186 representatives of the Commissioner at the end of such license year, the expense of such audit to be
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218 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
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221 medical services training programs (excluding advanced life support classes); (ii) advanced life support
222 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
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224 technical assistance programs, and similar activities); (iv) emergency medical services system
225 development, initiatives, and priorities based on needs identified by the State Emergency Medical
226 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
227 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
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229 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
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231 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

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233 Services for use in emergency medical services; and

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

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241 personnel.

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243 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall

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

253 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 254 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 255 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 256 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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

262 **§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.**

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

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

- 270 1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips,
 271 *other than TNC partner vehicles as defined in § 46.2-2000*;
- 272 2. Taxicabs;
- 273 3. Passenger-carrying vehicles operated by common carriers or restricted common carriers;
- 274 4. Property-carrying motor vehicles to applicants who operate as private carriers only;
- 275 5. Applicants, *other than TNC partners as defined in § 46.2-2000*, who operate motor vehicles as
 276 carriers for rent or hire;
- 277 6. Vehicles operated by nonemergency medical transportation carriers as defined in § 46.2-2000; and
- 278 7. Trailers and semitrailers.

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

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

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

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

290 **§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.**

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

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

302 **§ 46.2-753. Additional license fees in certain localities.**

303 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax
 304 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those

305 specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner*
 306 *vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise* used for the
 307 transportation of passengers for compensation. The additional fee shall be no more than ~~five dollars~~ \$5.
 308 The total local license fee shall be no more than ~~twenty-five dollars~~ \$25 on any vehicle, and this license
 309 fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

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

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

317 **§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.**

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

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

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

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

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

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

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

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

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

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

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

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

366 Any amounts collected by the motor vehicle renting company in excess of the actual amount of its

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

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

376 **§ 46.2-1400. "Ridesharing arrangement" defined.**

377 "Ridesharing arrangement" means the transportation of persons in a motor vehicle when such
 378 transportation is incidental to the principal purpose of the driver, which is to reach a destination and not
 379 to transport persons for profit. The term includes ridesharing arrangements known as carpools, vanpools,
 380 and bus pools. *"Ridesharing arrangement" does not include a prearranged ride as defined in*
 381 *§ 46.2-2000.*

382 **§ 46.2-2000. Definitions.**

383 Whenever used in this chapter unless expressly stated otherwise:

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

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

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

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

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

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

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

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

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

412 "Department" means the Department of Motor Vehicles.

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

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

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

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

427 "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 registered with the Department as a*
432 *TNC partner vehicle under subdivision B 1 of § 46.2-2099.50*; (iv) *proof that the vehicle has been*
433 *authorized by a transportation network company to be operated as a TNC partner vehicle, in*
434 *accordance with subsection C of § 46.2-2099.50*; or (v) proof of compliance with the insurance
435 requirements of this chapter.

436 "Interstate" means transportation of passengers between states.

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

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

439 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
440 31 passengers, including the driver, and used in the transportation of passengers.

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

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

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

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

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

463 "*Operation of a TNC partner vehicle*" means offering, making available, or using a TNC partner
464 vehicle to provide prearranged rides, including (i) any time a TNC partner is logged into a TNC
465 platform showing that the TNC partner is available to pick up passengers; (ii) any time a passenger is
466 in the TNC partner vehicle; (iii) any time the transportation network company's dispatch records show
467 that the TNC partner vehicle has been dispatched; and (iv) any time the TNC partner has accepted a
468 prearranged ride request through the TNC platform and is en route to a passenger.

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

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

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

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

478 "*Prearranged ride*" means passenger transportation for compensation in a TNC partner vehicle
479 arranged through a TNC platform. "*Prearranged ride*" includes the period of time that begins when a
480 TNC partner accepts a ride requested through a TNC platform, continues while the TNC partner
481 transports a passenger in a TNC partner vehicle, and ends when the passenger exits the TNC partner
482 vehicle.

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

487 "Route," when used in connection with or with respect to a certificate of public convenience and
488 necessity, means the road or highway, or segment thereof, operated over by the holder of a certificate of
489 public convenience and necessity or proposed to be operated over by an applicant therefor, whether such

490 road or highway is designated by one or more highway numbers.

491 "Services" and "transportation" include the service of, and all transportation by, all vehicles operated
492 by, for, or in the interest of any motor carrier irrespective of ownership or contract, expressed or
493 implied, together with all facilities and property operated or controlled by any such carrier or carriers
494 and used in the transportation of passengers or the performance of any service in connection therewith.

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

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

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

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

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

514 "*TNC insurance*" means a motor vehicle liability insurance policy that specifically covers liabilities
515 arising from a TNC partner's use of the vehicle in connection with a transportation network company's
516 TNC platform.

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

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

521 "*TNC platform*" means any online-enabled application or digital platform offered or utilized by a
522 transportation network company that enables arrangement of prearranged rides with TNC partners.

523 "*Transportation network company*" means a person who provides prearranged rides using a TNC
524 platform that connects passengers with TNC partners.

525 **§ 46.2-2001.3. Application; notice requirements.**

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

532 *Notwithstanding any other provision of this chapter, the Commissioner may require all or certain*
533 *applications for a license, permit, certificate, identification marker, or TNC partner vehicle registration*
534 *to be filed electronically.*

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

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

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

548 **§ 46.2-2011.5. Filing and application fees.**

549 Unless otherwise provided, every applicant, *other than a transportation network company*, for an
550 original license, permit, or certificate issued under this chapter and transfer of a license or certificate

551 under the provisions of this chapter shall, upon the filing of an application, deposit with the Department,
 552 as a filing fee, a sum in the amount of ~~fifty dollars~~ \$50. *The fee to accompany an application for an*
 553 *original of the certificate required under § 46.2-2099.45 shall be \$70,000, and the annual fee to*
 554 *accompany an application for a renewal thereof shall be \$3,000.* The Department shall collect a fee of
 555 ~~three dollars~~ \$3 for the issuance of a duplicate license, permit, or certificate.

556 **§ 46.2-2011.6. Vehicle fees.**

557 Every person, *other than a TNC partner*, who operates a passenger vehicle for compensation over the
 558 highways of the Commonwealth, unless such operation is exempted from this chapter, shall be required
 559 to pay an annual fee of \$3 for each such vehicle so operated, unless a vehicle identification marker fee
 560 has been paid to the Department as to such vehicle for the current year under the provisions of Chapter
 561 27 (§ 58.1-2700 et seq.) of Title 58.1. Such fee shall be paid through the single state registration system
 562 established pursuant to 49 U.S.C. § 14504 and 49 CFR Part 367 or through the unified carrier
 563 registration system established pursuant to 49 U.S.C. § 14504a and the federal regulations promulgated
 564 thereunder for carriers registered pursuant to those provisions. No more than one vehicle fee shall be
 565 charged or paid as to any vehicle in any one year under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1
 566 and this chapter, including payments made pursuant to the single state registration system or the unified
 567 carrier registration system.

568 **§ 46.2-2011.22. Violation; criminal penalties.**

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

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

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

586 **§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

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

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

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

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

596 4. Use of deceptive business acts or practices;

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

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

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

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

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

608 10. Having been convicted of a felony;

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

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

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

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

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

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

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

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

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

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

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

629 22. Failure to comply with the requirements of the Americans with Disabilities Act *or the Virginians*
630 *with Disabilities Act*; ~~or~~

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

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

635 **§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal**
636 **by law enforcement; operation of vehicle denied.**

637 A. It shall be unlawful for a licensee, permittee, or certificate holder, *or for the registrant or*
638 *operator of a vehicle registered under subdivision B 1 of § 46.2-2099.50*, whose license, permit, or
639 certificate, *or whose vehicle's registration as a TNC partner vehicle*, has been revoked, suspended, or
640 renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the
641 Department license plates, identification markers, and registration cards issued under this title.

642 B. If any law enforcement officer finds that a motor carrier vehicle bearing Virginia license plates or
643 temporary transport plates is being operated in violation of subsection A ~~of this section~~, such ~~law~~
644 ~~enforcement~~ *law-enforcement* officer shall remove the license plate, identification marker, and
645 registration card and shall forward the same to the Department. *If any law-enforcement officer finds that*
646 *a TNC partner vehicle not bearing Virginia license plates is being operated in violation of subsection A,*
647 *such law-enforcement officer shall remove any identification marker and registration card issued under*
648 *subdivision B 1 of § 46.2-2099.50 and shall forward the same to the Department.*

649 C. When informed that a vehicle is being operated in violation of this section, the driver shall drive
650 the vehicle to a nearby location off the public highways and not remove it or allow it to be moved until
651 the motor carrier is in compliance with all provisions of this chapter.

652 **§ 46.2-2051. Application of article.**

653 Unless otherwise stated, this article shall apply to all motor carriers *except transportation network*
654 *companies.*

655 *Article 15.*

656 *Transportation Network Companies.*

657 **§ 46.2-2099.45. Certificates required unless exempted.**

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

661 **§ 46.2-2099.46. Control, supervision, and regulation by Department.**

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

669 **§ 46.2-2099.47. Operation except in accordance with chapter prohibited.**

670 *No transportation network company or TNC partner shall transport passengers for compensation on*
671 *any highway in the Commonwealth on an intrastate basis except in accordance with the provisions of*
672 *this chapter.*

673 **§ 46.2-2099.48. General operational requirements for transportation network companies and TNC**

674 *partners.*

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

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

684 C. A transportation network company shall publish the following information on its public website
685 and TNC platform:

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

688 2. Information about its TNC partner screening criteria, including a list of the disqualifying offenses
689 set forth in subsection C of § 46.2-2099.49, as well as any other offenses that the transportation network
690 company will regard as grounds for disqualifying an individual from acting as a TNC partner;

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

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

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

695 6. A customer support telephone number and instructions regarding any alternative methods for
696 reporting a complaint.

697 D. A transportation network company shall associate a TNC partner with one or more personal
698 vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically
699 associated with a TNC partner by the transportation network company. The transportation network
700 company shall arrange transportation solely for previously associated TNC partners and TNC partner
701 vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with
702 the TNC partner by the transportation network company.

703 E. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage
704 under each in-force TNC insurance policy and each in-force personal automobile insurance policy
705 covering the vehicle. The TNC partner shall present such proof of insurance upon request to a
706 law-enforcement officer, airport owner and operator, official of the Washington Metropolitan Area
707 Transit Commission, or any party involved in an accident that occurs during the operation of a TNC
708 partner vehicle. The transportation network company shall require the TNC partner's compliance with
709 the provisions of this subsection.

710 F. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall
711 provide through the TNC platform to the person prearranging the ride the name and a photograph of
712 the TNC partner, the license plate number of the TNC partner vehicle, and the state issuing such license
713 plate.

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

716 1. The name or logo of the transportation network company;

717 2. The name and a photograph of the TNC partner;

718 3. A unique identification number issued to the TNC partner by the transportation network company;
719 and

720 4. The make, model, and license plate number of each TNC partner vehicle associated with the TNC
721 partner and the state issuing each such license plate.

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

726 H. A transportation network company and its TNC partner shall make the following information
727 available through the TNC platform at all times during a prearranged ride:

728 1. The name of the transportation network company;

729 2. The name of the TNC partner and the identification number issued to the TNC partner by the
730 transportation network company;

731 3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and

732 4. The location, date, and approximate time that each passenger was or will be picked up.

733 All information required in this subsection shall be made available immediately upon request to
734 representatives of the Department, to law-enforcement officers, to officials of the Washington
735 Metropolitan Area Transit Commission, and to airport owners and operators.

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

- 738 1. A map of the route taken;
- 739 2. The date and the times the trip began and ended;
- 740 3. The total fare, including the base fare and any additional charges incurred for distance traveled
741 or duration of the prearranged ride;
- 742 4. The TNC partner's first name and photograph; and
- 743 5. Information identifying the TNC partner vehicle, including the vehicle's make, model, model year,
744 and license plate number and the state issuing the license plate.

745 J. Every transportation network company and TNC partner shall provide services to the public
746 without regard to the geographic location of a passenger's points of departure and destination and
747 without discrimination on the basis of age, race, sex, or disability or on any other basis prohibited by
748 law.

749 A TNC platform shall allow customers or passengers prearranging rides to indicate whether a
750 passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to
751 individuals with disabilities.

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

754 A TNC partner shall allow a service animal to accompany a passenger on a prearranged ride. The
755 transportation network company shall require compliance with this provision.

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

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

762 K. No transportation network company or TNC partner shall conduct any operation on the property
763 of or into any airport unless such operation is authorized by the airport owner and operator and is in
764 compliance with the rules and regulations of that airport. The Department may suspend or revoke the
765 certificate of any transportation network company that violates any rule or regulation of an airport
766 owner and operator.

767 L. A TNC partner shall access and utilize a TNC platform in a manner that is consistent with
768 Virginia traffic laws.

769 M. In accordance with § 46.2-812, no TNC partner shall operate a motor vehicle for more than 13
770 hours in any 24-hour period.

771 **§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and**
772 **alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated**
773 **information to transportation network companies.**

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

776 B. 1. Before authorizing an individual to act as a TNC partner, and every two years after
777 authorizing an individual to act as a TNC partner, a transportation network company shall obtain a
778 national criminal history record check of that person.

779 A transportation network company shall not disqualify an individual from acting as a TNC partner
780 on the basis of any result obtained from a criminal history record check until such result has been
781 confirmed with the primary source of the information.

782 2. Before authorizing an individual to act as a TNC partner, a transportation network company shall
783 obtain and review a driving history research report on that person from the individual's state of
784 licensure. The transportation network company shall obtain and review an additional report every six
785 months after authorizing a person to act as a TNC partner, unless the transportation network company
786 participates in a driver record monitoring program approved by the Department with respect to such
787 person.

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

792 C. A transportation network company shall not authorize an individual to act as a TNC partner if
793 that individual:

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

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

801 3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to
802 any of the following offenses, either under Virginia law or under the comparable laws of any foreign
803 country or any political subdivision thereof or of the United States or any political subdivision thereof:
804 (i) any felony offense other than those included in subdivision 2; (ii) an offense under § 18.2-266,
805 18.2-266.1, 18.2-272, or 46.2-341.24; or (iii) any offense resulting in revocation of a driver's license
806 pursuant to § 46.2-389 or 46.2-391; or

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

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

817 E. As part of its agreement with TNC partners, a transportation network company shall make the
818 following disclosures in writing to a TNC partner or prospective TNC partner:

819 1. The transportation network company shall (i) disclose the liability insurance coverage and limits
820 of liability that the transportation network company provides while the TNC partner uses a vehicle in
821 connection with the TNC platform and (ii) advise the TNC partner that the TNC partner's personal
822 automobile insurance policy does not provide liability coverage when the TNC partner uses a vehicle in
823 connection with a transportation network company's TNC platform, unless such policy expressly provides
824 for TNC insurance coverage.

825 2. The transportation network company shall (i) disclose any physical damage coverage provided by
826 the transportation network company for damage to the vehicle used by the TNC partner in connection
827 with the TNC platform and (ii) advise the TNC partner that the TNC partner's personal automobile
828 insurance policy does not provide collision or comprehensive coverage for damage to the vehicle when
829 the TNC partner uses a vehicle in connection with a transportation network company's TNC platform,
830 unless such policy expressly provides for such insurance coverage.

831 3. The transportation network company shall (i) disclose the uninsured motorist and underinsured
832 motorist coverage and policy limits provided by the transportation network company while the TNC
833 partner uses a vehicle in connection with the TNC platform and (ii) advise the TNC partner that the
834 TNC partner's personal automobile insurance policy does not provide uninsured motorist and
835 underinsured motorist coverage when the TNC partner uses a vehicle in connection with a
836 transportation network company's TNC platform, unless such policy expressly provides for TNC
837 insurance coverage.

838 4. The transportation network company shall include the following statement in its written agreement
839 with the TNC partner: "If the vehicle that you plan to use to transport passengers for our transportation
840 network company has a lien against it, you must notify the lienholder that you will be using the vehicle
841 for transportation services that may violate the terms of your contract with the lienholder." This
842 disclosure shall be placed prominently in the prospective TNC partner's agreement, and the prospective
843 TNC partner shall acknowledge the requirement electronically or by signature.

844 F. A TNC partner shall inform each transportation network company that has authorized him to act
845 as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner,
846 including any of the following: a change in the registration status of the TNC partner vehicle; a change
847 in the status of the TNC partner's driver's license; a change in the insurance coverage of the TNC
848 partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

849 **§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification**
850 **markers issued by Department; identification markers issued by transportation network company.**

851 A. A TNC partner vehicle shall:

852 1. Be a personal vehicle;

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

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

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

857 5. Have a valid Virginia safety inspection and carry proof of that inspection in the vehicle;

858 6. Be covered under a TNC insurance policy or policies meeting the requirements of §

859 46.2-2099.51; and

860 7. Be registered with the Department for use as a TNC partner vehicle and display an identification
861 marker issued by the Department as provided in subsection B.

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

864 B. 1. Upon application by the owner or lessee of a personal vehicle, the Department shall register
865 the vehicle for use as a TNC partner vehicle and shall issue to the applicant an identification marker
866 that identifies the vehicle as having been registered with the Department for use as a TNC partner
867 vehicle. The identification marker and any other proof of the vehicle's registration for use as a TNC
868 partner vehicle shall be carried in or displayed on the vehicle as prescribed by the Department and
869 shall be valid for the period of time prescribed by the Department.

870 The Commissioner shall make TNC partner vehicle registration and identification markers available
871 for personal vehicles registered outside the Commonwealth on the same terms that apply to personal
872 vehicles registered in the Commonwealth.

873 The Commissioner may deny, suspend, or revoke the TNC vehicle registration and identification
874 marker for any of the following reasons: (i) the vehicle is not properly registered, (ii) the vehicle does
875 not carry insurance as required by this section, (iii) the vehicle is sold, or (iv) the vehicle is used by a
876 TNC partner in a manner not authorized by this chapter.

877 2. The annual fee for registering a TNC partner vehicle shall be \$50.

878 If after paying the annual fee for registering a TNC partner vehicle the registrant elects not to use
879 the vehicle as a TNC partner vehicle, the registrant may surrender to the Department the identification
880 marker and any other proof of the vehicle's registration for use as a TNC partner vehicle and request a
881 refund of the fee paid. The Commissioner shall refund to the applicant a proration, in six-month
882 increments, of the total cost of the registration if application for the refund is made when there are six
883 or more months remaining in the registration period. No charge or deduction shall be assessed for any
884 refund made under this subsection.

885 C. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network
886 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
887 TNC partner with proof of any TNC insurance policy or policies maintained by the transportation
888 network company.

889 For each TNC partner vehicle it authorizes, a transportation network company shall issue to the
890 TNC partner associated with that vehicle an identification marker that identifies the personal vehicle as
891 having been authorized by the transportation network company to be operated as a TNC partner
892 vehicle. The identification marker shall identify the transportation network company with which the
893 vehicle is affiliated and shall be displayed in a manner that complies with Virginia law. The
894 identification marker shall be of such size, shape, and color as to be readily identifiable during daylight
895 hours from a distance of 50 feet while the vehicle is not in motion. The identification marker may take
896 the form of a removable device that meets the identification and visibility requirements of this
897 subsection.

898 A TNC partner shall keep the identification marker issued under this section visible at all times while
899 the vehicle is being operated as a TNC partner vehicle.

900 No person shall operate a vehicle bearing an identification marker issued under this section without
901 the authorization of the transportation network company issuing the identification marker.

902 **§ 46.2-2099.51. TNC insurance.**

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

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

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

912 2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage.
913 Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the
914 passenger exits the vehicle. The policy may also provide such coverage during any other time period, if
915 requested by a TNC partner with regard to insurance maintained by the TNC partner. The minimum
916 amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and
917 property damage shall be \$1 million.

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

919 a. TNC insurance maintained by a TNC partner;

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

921 *c. Any combination of subdivisions a and b.*

922 *A transportation network company may meet its obligations under this subsection through a policy*
 923 *obtained by a TNC partner under subdivision a or c only if the transportation network company verifies*
 924 *that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's*
 925 *use of a vehicle in connection with a transportation network company's TNC platform.*

926 *4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to*
 927 *defend any liability claim, including any claim against a TNC partner, arising from an accident*
 928 *occurring within the time periods specified in this subsection.*

929 *C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs*
 930 *on to a transportation network company's TNC platform until the TNC partner accepts a request to*
 931 *transport a passenger and (ii) from the moment the TNC partner completes the transaction on the TNC*
 932 *platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts*
 933 *another prearranged ride request on the TNC platform or logs off the TNC platform:*

934 *1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and*
 935 *shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and*
 936 *bodily injury and at least \$30,000 for property damage.*

937 *2. The requirements for the coverage required by this subsection may be satisfied by any of the*
 938 *following:*

939 *a. TNC insurance maintained by a TNC partner;*

940 *b. TNC insurance maintained by a transportation network company that provides coverage in the*
 941 *event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been*
 942 *canceled, or the TNC partner does not otherwise maintain TNC insurance; or*

943 *c. Any combination of subdivisions a and b.*

944 *A transportation network company may meet its obligations under this subsection through a policy*
 945 *obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company*
 946 *verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC*
 947 *partner's use of a vehicle in connection with a transportation network company's TNC platform.*

948 *3. A transportation network company shall also maintain insurance coverage that provides excess*
 949 *coverage insuring the transportation network company and the TNC partner in the amount of at least*
 950 *\$200,000 per incident for any liability arising from a TNC partner using a vehicle in connection with a*
 951 *transportation network company's TNC platform within the time periods specified in this subsection,*
 952 *which liability exceeds the required coverage limits in subdivision 1.*

953 *4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to*
 954 *defend any liability claim, including any claim against a TNC partner, arising from an accident*
 955 *occurring within the time periods specified in this subsection.*

956 *D. Coverage under a TNC insurance policy shall not be dependent on first denial of a claim by a*
 957 *personal automobile insurance policy, nor shall a personal automobile insurance policy be required to*
 958 *first deny a claim.*

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

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

965 *G. In a claims coverage investigation, a transportation network company and its insurer shall*
 966 *cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of*
 967 *information, including the dates and times of any accident involving a TNC partner and the precise*
 968 *times that the TNC partner logged on and off the transportation network company's TNC platform.*

969 *H. Nothing in this section shall be construed to require a personal automobile insurance policy to*
 970 *provide primary or excess coverage during the period of time from the moment a TNC partner logs on*
 971 *to a transportation network company's TNC platform until the TNC partner logs off the TNC platform*
 972 *or the prearranged ride is complete, whichever is later.*

973 *I. From the moment a TNC partner logs on to a transportation network company's TNC platform*
 974 *until the TNC partner logs off the TNC platform or the prearranged ride is complete, whichever is later,*
 975 *all of the following shall apply:*

976 *1. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall*
 977 *provide any coverage to the TNC partner, the vehicle owner, or any third party, unless the policy*
 978 *expressly provides for that coverage during the period of time to which this subsection is applicable or*
 979 *the policy contains an amendment or endorsement to provide that coverage.*

980 *2. Neither the TNC partner's nor the vehicle owner's personal automobile insurance policy shall have*
 981 *the duty to defend or indemnify the TNC partner's activities in connection with the transportation*

982 network company, unless the policy expressly provides otherwise for the period of time to which this
983 subsection is applicable or the policy contains an amendment or endorsement to provide that coverage.

984 J. Notwithstanding any other law, a personal automobile insurer may, in its discretion, offer an
985 automobile liability insurance policy, or an amendment or endorsement to an existing policy, that covers
986 a motor vehicle with a seating capacity of eight or fewer persons, including the driver, while used in
987 connection with a transportation network company's TNC platform only if the policy expressly provides
988 for the coverage during the time period specified in subsection I, or the policy contains an amendment
989 or an endorsement to provide that coverage.

990 K. No contract, receipt, rule, or regulation shall exempt any transportation network company from
991 the liability that would exist had no contract been made or entered into and no such contract, receipt,
992 rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or
993 misconduct of such transportation network company shall be valid. The liability referred to in this
994 subsection shall mean the liability imposed by law upon a transportation network company for any loss,
995 damage, or injury to passengers in its custody and care as a transportation network company.

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

1000 M. Each transportation network company shall keep on file with the Department proof of an
1001 insurance policy or policies in accordance with this section. Such proof shall be in a form acceptable to
1002 the Commissioner. A record of the policy or policies shall remain in the files of the Department six
1003 months after the certificate is canceled for any cause.

1004 N. The Department may suspend a certificate if the certificate holder fails to comply with the
1005 requirements of this section. Any person whose certificate has been suspended pursuant to this
1006 subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

1007 **§ 46.2-2099.52. Recordkeeping and reporting requirements for transportation network companies.**

1008 A. Records maintained by a transportation network company shall be adequate to confirm
1009 compliance with subsection C of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall
1010 at a minimum include:

1011 1. True and accurate results of each national criminal history record check for each individual that
1012 the transportation network company authorizes to act as a TNC partner;

1013 2. True and accurate results of the driving history research report for each individual that the
1014 transportation network company authorizes to act as a TNC partner;

1015 3. Driver's license records of TNC partners, including records associated with participation in a
1016 driver record monitoring program;

1017 4. True and accurate results of the sex offender screening for each individual that the transportation
1018 network company authorizes to act as a TNC partner;

1019 5. Proof that the transportation network company confirmed each TNC partner's age and driver's
1020 license status;

1021 6. Proof that the transportation network company confirmed the compliance of each TNC partner
1022 vehicle with all requirements enumerated in subsection A of § 46.2-2099.50; and

1023 7. Proof of compliance with the notice requirements of subsection C of § 46.2-2099.48 and
1024 subsections D and E of § 46.2-2099.49.

1025 A transportation network company shall retain all records required under this subsection for a
1026 period of three years. Such records shall be retained in a manner that permits systematic retrieval and
1027 must be made available on request to the Department in a format acceptable to the Commissioner.

1028 B. A transportation network company shall maintain the following records and make them available
1029 on request to the Department, a law-enforcement officer, an official of the Washington Metropolitan
1030 Area Transit Commission, or an airport owner and operator for the performance of their official duties:

1031 1. Data regarding TNC partner activity while logged into the TNC platform, including beginning and
1032 ending times and locations of each prearranged ride;

1033 2. Records regarding any actions taken against a TNC partner;

1034 3. Contracts or agreements between the transportation network company and its TNC partners;

1035 4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and
1036 driver's license number and the state issuing the license;

1037 5. Information identifying each TNC partner vehicle the transportation network company has
1038 authorized, including the vehicle's make, model, model year, vehicle identification number, and license
1039 plate number and the state issuing the license plate; and

1040 6. Summary data regarding the number of TNC partners and TNC partner vehicles.

1041 A transportation network company shall keep all records required under this subsection in a manner
1042 that permits systematic retrieval and, when requested by the Department, shall make such records

1043 available in a format acceptable to the Commissioner.

1044 C. Information obtained by the Department, law-enforcement officers, officials of the Washington
1045 Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall
1046 be considered privileged information and shall only be used by the Department, law-enforcement
1047 officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and
1048 operators for the performance of their official duties. Such information shall not be subject to disclosure
1049 except on the written request of a representative of the Department, a law-enforcement officer, an
1050 official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator
1051 who requires such information for the performance of official duties.

1052 D. Information obtained by the Department pursuant to subsection A in the course of performing
1053 periodic compliance reviews shall not be subject to disclosure through a court order. This provision
1054 shall not be construed to mean that a person is denied the right to seek such information directly from
1055 a transportation network company.

1056 E. Except as required under this section, a transportation network company shall not disclose any
1057 personal information, as defined in § 2.2-3801, about a user of its TNC platform unless:

1058 1. The transportation network company obtains the user's consent to disclose the personal
1059 information;

1060 2. The disclosure is necessary to comply with a legal obligation; or

1061 3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or
1062 to investigate violations of the terms and conditions.

1063 This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to
1064 information about the user that is not personal information as defined in § 2.2-3801.

1065 **2. That the Department of Motor Vehicles shall periodically consult with local government officials**
1066 **to determine whether transportation network companies have had an impact on the availability of**
1067 **wheelchair-accessible transportation services. If evidence suggests an impact, the Department shall**
1068 **work collaboratively with appropriate stakeholders to develop recommendations to be submitted to**
1069 **the Chairmen of the House and Senate Transportation Committees.**

1070 **3. That beginning July 1, 2016, the Department of Motor Vehicles shall undertake a review of the**
1071 **fees set forth in § 46.2-2011.5 of the Code of Virginia, as amended by this act, and in**
1072 **§ 46.2-2099.50, as added by this act, to determine whether those fees adequately cover the**
1073 **Department's costs of administering the additional responsibilities imposed on the Department**
1074 **under this act. The Department shall report the results of this review to the Chairmen of the**
1075 **House and Senate Transportation Committees no later than December 1, 2016.**

1076 **4. That the provisions of subsection J of § 46.2-2099.48, as created by this act, which require a**
1077 **TNC platform to allow customers or passengers prearranging rides to indicate whether a**
1078 **passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to**
1079 **individuals with disabilities act shall become effective on July 1, 2016.**