

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act 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, 46.2-2011.20, 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 46.2-2099.53, relating to transportation network companies.

[H 1662]

Approved

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, 46.2-2011.20, 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 46.2-2099.53, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

80 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
 81 be used to meet the expenses of the Department.

82 10b. Eighteen dollars for an autocycle.

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

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

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

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

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

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

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

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

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

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

129 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 130 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 131 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 132 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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

138 **§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of**
 139 **passengers; weights used for computing fees; burden of proof.**

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

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

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

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

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

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

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

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

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

189 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle, trailer
 190 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
 191 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
 192 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as*
 193 *TNC partner vehicles as defined in § 46.2-2000.*

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

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

201 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
 202 be used to meet the expenses of the Department.

203 10b. Eighteen dollars for an autocycle.

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

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

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

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

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

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

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

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

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

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

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

250 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 251 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 252 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 253 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

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

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

259 **§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.**

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

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

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

269 2. Taxicabs;

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

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

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

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

275 7. Trailers and semitrailers.

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

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

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

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

287 **§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.**

288 A. On receipt of an application, the Commissioner shall issue special license plates celebrating
 289 Virginia's tobacco heritage. For each set of license plates issued under this section, the Commissioner
 290 shall charge, in addition to the prescribed cost of state license plates, an annual fee of ~~ten dollars~~ \$10.

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

299 **§ 46.2-753. Additional license fees in certain localities.**

300 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax

301 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those
 302 specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner*
 303 *vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise* used for the
 304 transportation of passengers for compensation. The additional fee shall be no more than ~~five dollars~~ \$5.
 305 The total local license fee shall be no more than ~~twenty-five dollars~~ \$25 on any vehicle, and this license
 306 fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

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

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

314 **§ 46.2-755. Limitations on imposition of motor vehicle license taxes and fees.**

315 A. No ~~county, city, or town~~ *locality* shall impose any motor vehicle license tax or fee on any motor
 316 vehicle, trailer, or semitrailer when:

317 1. A similar tax or fee is imposed by the ~~county, city, or town~~ *locality* wherein the vehicle is
 318 normally garaged, stored or parked;

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

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

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

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

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

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

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

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

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

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

362 agreement, by posting such statement on the rental company website.

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

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

373 **§ 46.2-1400. "Ridesharing arrangement" defined.**

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

379 **§ 46.2-2000. Definitions.**

380 Whenever used in this chapter unless expressly stated otherwise:

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

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

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

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

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

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

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

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

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

410 "Department" means the Department of Motor Vehicles.

411 *"Digital platform" means any online-enabled application, software, website, or system offered or*
412 *utilized by a transportation network company that enables the prearrangement of rides with TNC*
413 *partners.*

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

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

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

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

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

437 "Interstate" means transportation of passengers between states.

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

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

440 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
 441 31 passengers, including the driver, and used in the transportation of passengers.

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

444 "Motor launch" means a motor vessel that meets the requirements of the U.S. Coast Guard for the
 445 carriage of passengers for compensation, with a capacity of six or more passengers, but not in excess of
 446 ~~fifty~~ 50 passengers. "Motor launch, as defined herein, shall" does not include sight-seeing vessels,
 447 special or charter party vessels within the provisions of this chapter. A carrier by motor launch shall not
 448 be regarded as a steamship company.

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

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

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

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

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

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

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

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

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

482 "Restricted common carrier" means any person who undertakes, whether directly or by a lease or
 483 other arrangement, to transport passengers for compensation, whereby such transportation service has

484 been restricted. *"Restricted common carrier" does not include a transportation network company or TNC*
 485 *partner as defined in this section.*

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

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

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

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

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

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

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

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

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

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

519 "*Trade dress" means a logo, insignia, or emblem attached to or visible from the exterior of a TNC*
 520 *partner vehicle that identifies a transportation network company or digital platform with which the TNC*
 521 *partner vehicle is affiliated.*

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

524 **§ 46.2-2001.3. Application; notice requirements.**

525 A. Applications for a license, permit, certificate, ~~or~~ identification marker, *or TNC partner vehicle*
 526 *registration* or renewal of a license, permit, certificate, ~~or~~ identification marker, *or TNC partner vehicle*
 527 *registration* under this chapter shall be made to the Department and contain such information and
 528 exhibits as the Department shall require. Such information shall include *except in the case of a TNC*
 529 *partner vehicle,* in the application or otherwise, the matters set forth in § 46.2-2011.24 as grounds for
 530 denying licenses, permits, and certificates, and other pertinent matters requisite for the safeguarding of
 531 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 *For the purposes of this subsection, "identification marker" does not include trade dress.*

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

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

544 D. An applicant for any original certificate of public convenience and necessity issued under this

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

549 **§ 46.2-2011.5. Filing and application fees.**

550 Unless otherwise provided, every applicant, *other than a transportation network company*, for an
 551 original license, permit, or certificate issued under this chapter and transfer of a license or certificate
 552 under the provisions of this chapter shall, upon the filing of an application, deposit with the Department,
 553 as a filing fee, a sum in the amount of ~~fifty dollars~~ \$50. *The fee to accompany an application for an*
 554 *original of the certificate required under § 46.2-2099.45 shall be \$100,000, and the annual fee to*
 555 *accompany an application for a renewal thereof shall be \$60,000. If the Department does not approve*
 556 *an application for an original of the certificate required under § 46.2-2099.45, the Department shall*
 557 *refund \$90,000 of the application fee to the applicant.* The Department shall collect a fee of ~~three~~
 558 ~~dollars~~ \$3 for the issuance of a duplicate license, permit, or certificate.

559 **§ 46.2-2011.6. Vehicle fees.**

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

571 **§ 46.2-2011.20. Unlawful use of registration and identification markers.**

572 It shall be unlawful for any person to operate or cause to be operated on any highway in the
 573 Commonwealth any motor vehicle that (i) does not carry the proper registration and identification that
 574 this chapter requires, (ii) does not display an identification marker in such manner as is prescribed by
 575 the Department, or (iii) bears registration or identification markers of persons whose *TNC partner*
 576 *vehicle registration under subsection B of § 46.2-2099.50 or whose* license, permit, or certificate issued
 577 by the Department has been *canceled*, revoked, suspended, or renewal thereof denied in accordance with
 578 this chapter.

579 **§ 46.2-2011.22. Violation; criminal penalties.**

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

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

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

597 **§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

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

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

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

- 606 3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;
- 607 4. Use of deceptive business acts or practices;
- 608 5. Knowingly advertising by any means any assertion, representation, or statement of fact that is
- 609 untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate,
- 610 permit, identification marker, or vehicle registration is held or sought;
- 611 6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or
- 612 deceptive acts in connection with the business for which a license, permit, or certificate is held or
- 613 sought or any consumer-related fraud;
- 614 7. Having been convicted of any criminal act involving the business for which a license, permit, or
- 615 certificate is held or sought;
- 616 8. Failure to comply with § 46.2-2056 or any regulation promulgated pursuant thereto;
- 617 9. Improper leasing, renting, lending, or otherwise allowing the improper use of a license, certificate,
- 618 permit, identification marker, or vehicle registration;
- 619 10. Having been convicted of a felony;
- 620 11. Having been convicted of any misdemeanor involving lying, cheating, stealing, or moral
- 621 turpitude;
- 622 12. Failure to submit to the Department any tax, fees, dues, fines, or penalties owed to the
- 623 Department;
- 624 13. Failure to furnish the Department information, documentation, or records required or requested
- 625 pursuant to statute or regulation;
- 626 14. Knowingly and willfully filing any false report, account, record, or memorandum;
- 627 15. Failure to meet or maintain application certifications or requirements of public convenience and
- 628 necessity, character, fitness, and financial responsibility pursuant to this chapter;
- 629 16. Willfully altering or changing the appearance or wording of any license, permit, certificate,
- 630 identification marker, license plate, or vehicle registration;
- 631 17. Failure to provide services in accordance with license, permit, or certificate terms, limitations,
- 632 conditions, or requirements;
- 633 18. Failure to maintain and keep on file with the Department motor carrier liability insurance, issued
- 634 by a company licensed to do business in the Commonwealth, or a bond, certificate of insurance,
- 635 certificate of self-insurance, or unconditional letter of credit in accordance with this chapter, with respect
- 636 to each motor vehicle operated in the Commonwealth;
- 637 19. Failure to comply with the Workers' Compensation Act of Title 65.2;
- 638 20. Failure to properly register a motor vehicle under this title;
- 639 21. Failure to comply with any federal motor carrier statute, rule, or regulation;
- 640 22. Failure to comply with the requirements of the Americans with Disabilities Act *or the Virginians*
- 641 *with Disabilities Act (§ 51.5-1 et seq.);* ~~or~~
- 642 23. Inactivity of a motor carrier as may be evidenced by the absence of a motor vehicle registered to
- 643 operate under such certificate or permit for a period of greater than three months; *or*
- 644 24. *Failure to comply with any provision regarding the filing and registered agent requirements set*
- 645 *forth in Title 13.1.*
- 646 **§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal**
- 647 **by law enforcement; operation of vehicle denied.**
- 648 A. *For purposes of this section, "identification marker" does not include trade dress.*
- 649 B. It shall be unlawful for a licensee, permittee, or certificate holder, *or for the registrant or*
- 650 *operator of a vehicle registered under subsection B of § 46.2-2099.50, whose license, permit, or*
- 651 *certificate, or vehicle's registration as a TNC partner vehicle, has been revoked, suspended, canceled, or*
- 652 *renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the*
- 653 *Department license plates, identification markers, and registration cards issued under this title.*
- 654 ~~B.~~ ~~¶~~ C. *Except as provided in subsection D, if any law enforcement law-enforcement officer finds*
- 655 *that a motor carrier vehicle bearing Virginia license plates or temporary transport plates is being*
- 656 *operated in violation of subsection A of this section B, such law enforcement law-enforcement officer*
- 657 *shall remove the license plate, identification marker, and registration card and shall forward the same to*
- 658 *the Department.*
- 659 D. *If the officer finds that a TNC partner vehicle bearing Virginia license plates is being operated in*
- 660 *violation of subsection B, such law-enforcement officer shall direct the operator of the vehicle to*
- 661 *promptly remove any identification marker and any registration card issued under subsection B of*
- 662 *§ 46.2-2099.50 and return the same to the Department. If any law-enforcement officer finds that a TNC*
- 663 *partner vehicle not bearing Virginia license plates is being operated in violation of subsection B, such*
- 664 *law-enforcement officer shall remove any identification marker and any registration card issued under*
- 665 *subsection B of § 46.2-2099.50 and shall forward the same to the Department.*
- 666 ~~C.~~ E. When informed that a vehicle is being operated in violation of this section, the driver shall

667 drive the vehicle to a nearby location off the public highways and not remove it or allow it to be moved
668 until the motor carrier is in compliance with all provisions of this chapter.

669 **§ 46.2-2051. Application of article.**

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

672 *Article 15.*

673 *Transportation Network Companies.*

674 **§ 46.2-2099.45. Certificates required unless exempted.**

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

678 **§ 46.2-2099.46. Control, supervision, and regulation by Department.**

679 *Except as otherwise provided in this chapter, every transportation network company, TNC partner,*
680 *and TNC partner vehicle shall be subject to exclusive control, supervision, and regulation by the*
681 *Department, but enforcement of statutes and Department regulations shall be not only by the*
682 *Department but also by any other law-enforcement officer. Nothing in this section shall be construed as*
683 *authorizing the adoption of local ordinances providing for local regulation of transportation network*
684 *companies, TNC partners, or TNC partner vehicles.*

685 **§ 46.2-2099.47. Operation except in accordance with chapter prohibited.**

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

689 **§ 46.2-2099.48. General operational requirements for transportation network companies and TNC**
690 **partner.**

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

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

701 *C. A transportation network company with knowledge that a TNC partner has violated the provisions*
702 *of subsection A or B shall remove the TNC partner from the transportation network company's digital*
703 *platform for at least one year.*

704 *D. A transportation network company shall publish the following information on its public website*
705 *and associated digital platform:*

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

708 *2. Information about its TNC partner screening criteria, including a description of the offenses that*
709 *the transportation network company will regard as grounds for disqualifying an individual from acting*
710 *as a TNC partner;*

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

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

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

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

717 *E. A transportation network company shall associate a TNC partner with one or more personal*
718 *vehicles and shall authorize a TNC partner to transport passengers only in a vehicle specifically*
719 *associated with a TNC partner by the transportation network company. The transportation network*
720 *company shall arrange transportation solely for previously associated TNC partners and TNC partner*
721 *vehicles. A TNC partner shall not transport passengers except in a TNC partner vehicle associated with*
722 *the TNC partner by the transportation network company.*

723 *F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage*
724 *under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and*
725 *each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present*
726 *such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner*
727 *and operator, an official of the Washington Metropolitan Area Transit Commission, or any person*

728 involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation
729 network company shall require the TNC partner's compliance with the provisions of this subsection.

730 G. Prior to a passenger's entering a TNC partner vehicle, a transportation network company shall
731 provide through the digital platform to the person prearranging the ride the first name and a
732 photograph of the TNC partner, the make and model of the TNC partner vehicle, and the license plate
733 number of the TNC partner vehicle.

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

- 736 1. The name or logo of the transportation network company;
- 737 2. The name and a photograph of the TNC partner; and
- 738 3. The make, model, and license plate number of each TNC partner vehicle associated with the TNC
739 partner and the state issuing each such license plate.

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

744 I. A transportation network company and its TNC partner shall, at all times during a prearranged
745 ride, make the following information available through its digital platform immediately upon request to
746 representatives of the Department, to law-enforcement officers, to officials of the Washington
747 Metropolitan Area Transit Commission, and to airport owners and operators:

- 748 1. The name of the transportation network company;
- 749 2. The name of the TNC partner and the identification number issued to the TNC partner by the
750 transportation network company;

- 751 3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and
- 752 4. The location, date, and approximate time that each passenger was or will be picked up.

753 J. Upon completion of a prearranged ride, a transportation network company shall transmit to the
754 person who prearranged the ride an electronic receipt that includes:

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

761 K. The transportation network company shall adopt and enforce a policy of nondiscrimination on the
762 basis of a passenger's points of departure and destination and shall notify TNC partners of such policy.

763 TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers
764 or potential passengers.

765 A transportation network company shall provide passengers an opportunity to indicate whether they
766 require a wheelchair-accessible vehicle. If a transportation network company cannot arrange
767 wheelchair-accessible service in a TNC partner vehicle in any instance, it shall direct the passenger to
768 an alternate provider of wheelchair-accessible service, if available.

769 A transportation network company shall not impose additional charges for providing services to
770 persons with disabilities because of those disabilities.

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

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

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

778 L. No transportation network company or TNC partner shall conduct any operation on the property
779 of or into any airport unless such operation is authorized by the airport owner and operator and is in
780 compliance with the rules and regulations of that airport. The Department may take action against a
781 transportation network company that violates any regulation of an airport owner and operator,
782 including the suspension or revocation of the transportation network company's certificate.

783 M. A TNC partner shall access and utilize a digital platform in a manner that is consistent with
784 traffic laws of the Commonwealth.

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

787 § 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and
788 alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated

879 **information to transportation network companies.**

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

892 B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years
893 after authorizing an individual to act as a TNC partner, a transportation network company shall obtain
894 a national criminal history records check of that person. The background check shall include (i) a
895 Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide
896 database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes
897 Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The
898 person conducting the background check shall be accredited by the National Association of Professional
899 Background Screeners or a comparable entity approved by the Department.

900 2. Before authorizing an individual to act as a TNC partner, and at least once annually after
901 authorizing an individual to act as a TNC partner, a transportation network company shall obtain and
902 review a driving history research report on that person from the individual's state of licensure.

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

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

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

912 2. Has ever been convicted of or has ever pled guilty or nolo contendere to a violent felony offense
913 as listed in subsection C of § 17.1-805, or a substantially similar law of another state or of the United
914 States;

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

920 4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to
921 any of the following offenses, either under Virginia law or a substantially similar law of another state
922 or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as
923 described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter
924 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test
925 to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3.

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

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

931 1. The transportation network company shall disclose the liability insurance coverage and limits of
932 liability that the transportation network company provides while the TNC partner uses a vehicle in
933 connection with the transportation network company's digital platform.

934 2. The transportation network company shall disclose any physical damage coverage provided by the
935 transportation network company for damage to the vehicle used by the TNC partner in connection with
936 the transportation network company's digital platform.

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

943 4. The transportation network company shall include the following disclosure prominently in writing
944 to a TNC partner or prospective TNC partner: "If the vehicle that you plan to use to transport
945 passengers for our transportation network company has a lien against it, you must notify the lienholder
946 that you will be using the vehicle for transportation services that may violate the terms of your contract
947 with the lienholder."

948 F. A TNC partner shall inform each transportation network company that has authorized him to act
949 as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner,

850 including any of the following: a change in the registration status of the TNC partner vehicle; the
 851 revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the
 852 insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest,
 853 plea, or conviction.

854 **§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification**
 855 **markers issued by Department; identification markers issued by transportation network company.**

856 A. A TNC partner vehicle shall:

857 1. Be a personal vehicle;

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

859 3. Be validly titled and registered in the Commonwealth or in another state;

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

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

863 6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or
 864 46.2-2099.52, as applicable; and

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

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

869 B. A vehicle owner, lessee, or TNC partner shall register a personal vehicle for use as a TNC
 870 partner vehicle. A TNC partner that is not the vehicle owner or lessee shall, prior to registering any
 871 TNC partner vehicle with the Department, secure the consent of each owner, lessor, and lessee of the
 872 vehicle as applicable for its registration as a TNC partner vehicle and for its use as a TNC partner
 873 vehicle by the TNC partner. A transportation network company shall have the option of registering a
 874 TNC partner vehicle on behalf of a TNC partner electronically through a secure portal maintained by
 875 the Department provided the TNC partner, if the TNC partner is not the vehicle owner or lessee,
 876 certifies that it has secured consent from each owner, lessor, and lessee of the vehicle for its
 877 registration as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

878 Prior to registering for use as a TNC partner vehicle any vehicle that has been titled and registered
 879 in another state, the vehicle owner or lessee, or a transportation network company on behalf of the
 880 owner or lessee, shall provide the Department with such information as the Department requires to
 881 establish a customer record for that person and that person's vehicle. A transportation network company
 882 shall have the option to submit this information electronically through a secure portal maintained by the
 883 Department.

884 For each TNC partner vehicle a transportation network company authorizes, the transportation
 885 network company or TNC partner shall provide to the Department, in a form acceptable to the
 886 Department, any information reasonably necessary for the Department to identify the vehicle and
 887 register it for use as a TNC partner vehicle.

888 Upon registering a vehicle for use as a TNC partner vehicle, the Department shall issue a temporary
 889 registration, an identification marker to the vehicle owner or lessee, and a registration card indicating
 890 the vehicle's registration for use as a TNC partner vehicle.

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

895 Registration of a TNC partner vehicle under this subsection shall remain valid until (a) the vehicle is
 896 no longer authorized to operate as a TNC partner vehicle by a transportation network company; (b) the
 897 TNC partner, vehicle owner, or lessee requests cancellation of the registration; (c) there is a transfer of
 898 vehicle ownership, other than a transfer from the lessor of the vehicle to the lessee; (d) the vehicle's
 899 lease terminates and ownership is not transferred to the lessee; or (e) the Department suspends, revokes,
 900 or cancels the registration of the vehicle for use as a TNC partner vehicle. The fee for the replacement
 901 of a lost, mutilated, or illegible identification marker or registration card shall be the same as the fee
 902 set forth in § 46.2-692 for the replacement of a decal or vehicle registration card. However, if the TNC
 903 partner vehicle is not titled and registered in Virginia, the replacement fee for an identification marker
 904 shall be \$40.

905 Any vehicle registered with the Department as a personal vehicle and subject to further registration
 906 as a TNC partner vehicle pursuant to this section shall be presumed to be used for nonbusiness
 907 purposes for the purpose of determining whether it is a qualifying vehicle under § 58.1-3523 absent
 908 clear and convincing evidence to the contrary, and any registration pursuant to this section shall not
 909 create any presumption of business or commercial use of the vehicle or of business activity on the part
 910 of the TNC partner, for purposes of any state or local requirement.

911 C. Before authorizing a vehicle to be used as a TNC partner vehicle, a transportation network
 912 company shall confirm that the vehicle meets the requirements of subsection A and shall provide each
 913 TNC partner with proof of any TNC insurance policy maintained by the transportation network
 914 company.

915 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade
 916 dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the
 917 transportation network company or digital platform with which the vehicle is affiliated and shall be
 918 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and
 919 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is
 920 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade
 921 dress may take the form of a removable device that meets the identification and visibility requirements
 922 of this subsection.

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

926 A TNC partner shall keep the trade dress issued under this subsection visible at all times while the
 927 vehicle is being operated as a TNC partner vehicle.

928 No person shall operate a vehicle bearing trade dress issued under this subsection without the
 929 authorization of the transportation network company issuing the trade dress.

930 D. Any information provided to the Department pursuant to this section, whether held by the
 931 Department or another public entity, shall not be subject to disclosure under the Virginia Freedom of
 932 Information Act (§ 2.2-3700 et seq.). Neither the Department nor any such public entity shall disclose
 933 any such information to a nongovernmental entity absent a court order or subpoena. In the event
 934 information provided pursuant to this section is sought through a court order or subpoena, the
 935 Department or other public entity shall promptly notify the transportation network company prior to
 936 disclosure so as to afford the transportation network company the opportunity to take appropriate
 937 actions to prevent disclosure. The Department shall not disclose such information to a governmental
 938 entity other than to enable that entity to perform its governmental function.

939 **§ 46.2-2099.51. TNC insurance until January 1, 2016.**

940 A. Until January 1, 2016, at all times during the operation of a TNC partner vehicle, a
 941 transportation network company or TNC partner shall keep in force TNC insurance as provided in this
 942 section.

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

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

950 2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage.
 951 Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the
 952 passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured
 953 motorist coverage for death, bodily injury, and property damage shall be \$1 million.

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

955 a. TNC insurance maintained by a TNC partner;

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

957 c. Any combination of subdivisions a and b.

958 A transportation network company may meet its obligations under this subsection through a policy
 959 obtained by a TNC partner under subdivision a or c only if the transportation network company verifies
 960 that the policy is maintained by the TNC partner.

961 4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to
 962 defend any liability claim, including any claim against a TNC partner, arising from an accident
 963 occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle
 964 owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC
 965 partner's activities in connection with the transportation network company, unless the policy expressly
 966 provides otherwise for the period of time to which this subsection is applicable or the policy contains an
 967 amendment or endorsement to provide that coverage.

968 5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile
 969 insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to
 970 first deny a claim.

971 6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to

972 provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal
 973 automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any
 974 third party, unless the policy expressly provides for that coverage during the period of time to which
 975 this subsection is applicable or the policy contains an amendment or endorsement to provide that
 976 coverage.

977 C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs
 978 on to a transportation network company's associated digital platform until the TNC partner accepts a
 979 request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on
 980 the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either
 981 accepts another prearranged ride request on the digital platform or logs off the digital platform:

982 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary
 983 and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death
 984 and bodily injury and at least \$50,000 for property damage.

985 2. The requirements for the coverage required by this subsection may be satisfied by any of the
 986 following:

987 a. TNC insurance maintained by a TNC partner;

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

991 c. Any combination of subdivisions a and b.

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

996 3. If the TNC partner vehicle is insured under a personal automobile insurance policy that does not
 997 exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained
 998 by the transportation network company under subdivision 2 c shall provide excess coverage up to at
 999 least the limits required by subdivision 1.

1000 D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a
 1001 TNC partner is en route to or transporting a passenger during a prearranged ride described in
 1002 subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until
 1003 the passenger exits the vehicle.

1004 E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance
 1005 obligations of this section has lapsed or ceased to exist, the transportation network company shall
 1006 provide the coverage required by this section beginning with the first dollar of a claim.

1007 F. This section shall not limit the liability of a transportation network company arising out of an
 1008 accident involving a TNC partner in any action for damages against a transportation network company
 1009 for an amount above the required insurance coverage.

1010 G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident
 1011 with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in
 1012 connection with a transportation network company and who provides the transportation network
 1013 company with the date, approximate time, and location of the accident, and if available the name of the
 1014 TNC partner and if available the accident report, may request in writing from the transportation
 1015 network company information relating to the insurance coverage and the company providing the
 1016 coverage. The transportation network company shall respond electronically or in writing within 30 days.
 1017 The transportation network company's response shall contain the following information: (i) whether, at
 1018 the approximate time of the accident, the TNC partner was logged into the transportation network
 1019 company's digital platform and, if so logged in, whether a trip request had been accepted or a
 1020 passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary
 1021 coverage; and (iii) the identity and last known address of the TNC partner.

1022 H. No contract, receipt, rule, or regulation shall exempt any transportation network company from
 1023 the liability that would exist had no contract been made or entered into, and no such contract, receipt,
 1024 rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or
 1025 misconduct of such transportation network company shall be valid. The liability referred to in this
 1026 subsection shall mean the liability imposed by law upon a transportation network company for any loss,
 1027 damage, or injury to passengers in its custody and care as a transportation network company.

1028 I. Any insurance required by this section may be placed with an insurer that has been admitted in
 1029 Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

1030 J. Any insurance policy required by this section shall satisfy the financial responsibility requirement
 1031 for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner
 1032 vehicle.

1033 K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any
 1034 transportation network company that has not certified to the Department that every TNC partner vehicle
 1035 it has authorized to operate on its digital platform is covered by an insurance policy that meets the
 1036 requirements of this section.

1037 L. Each transportation network company shall keep on file with the Department proof of an
 1038 insurance policy maintained by the transportation network company in accordance with this section.
 1039 Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in
 1040 the files of the Department six months after the certificate is suspended or revoked for any cause.

1041 M. The Department may suspend a certificate if the certificate holder fails to comply with the
 1042 requirements of this section. Any person whose certificate has been suspended pursuant to this
 1043 subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

1044 N. In a claims coverage investigation, a transportation network company and its insurer shall
 1045 cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of
 1046 information, including the dates and times of any accident involving a TNC partner and the precise
 1047 times that the TNC partner logged in and was logged out of the transportation network company's
 1048 digital platform.

1049 **§ 46.2-2099.52. TNC insurance.**

1050 A. On and after January 1, 2016, at all times during the operation of a TNC partner vehicle, a
 1051 transportation network company or TNC partner shall keep in force TNC insurance as provided in this
 1052 section.

1053 B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts
 1054 a prearranged ride request on a transportation network company's digital platform until the TNC
 1055 partner completes the transaction on the digital platform or until the prearranged ride is complete,
 1056 whichever is later:

1057 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and
 1058 the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1
 1059 million.

1060 2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage.
 1061 Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the
 1062 passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured
 1063 motorist coverage for death, bodily injury, and property damage shall be \$1 million.

1064 3. The requirements of this subsection may be satisfied by any of the following:

1065 a. TNC insurance maintained by a TNC partner;

1066 b. TNC insurance maintained by a transportation network company; or

1067 c. Any combination of subdivisions a and b.

1068 A transportation network company may meet its obligations under this subsection through a policy
 1069 obtained by a TNC partner under subdivision a or c only if the transportation network company verifies
 1070 that the policy is maintained by the TNC partner.

1071 4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to
 1072 defend any liability claim, including any claim against a TNC partner, arising from an accident
 1073 occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle
 1074 owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC
 1075 partner's activities in connection with the transportation network company, unless the policy expressly
 1076 provides otherwise for the period of time to which this subsection is applicable or the policy contains an
 1077 amendment or endorsement to provide that coverage.

1078 5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile
 1079 insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to
 1080 first deny a claim.

1081 6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to
 1082 provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal
 1083 automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any
 1084 third party, unless the policy expressly provides for that coverage during the period of time to which
 1085 this subsection is applicable or the policy contains an amendment or endorsement to provide that
 1086 coverage.

1087 C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs
 1088 on to a transportation network company's associated digital platform until the TNC partner accepts a
 1089 request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on
 1090 the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either
 1091 accepts another prearranged ride request on the digital platform or logs off the digital platform:

1092 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and
 1093 shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and

1094 *bodily injury and at least \$25,000 for property damage.*

1095 *2. The requirements for the coverage required by this subsection may be satisfied by any of the*

1096 *following:*

1097 *a. TNC insurance maintained by a TNC partner;*

1098 *b. TNC insurance maintained by a transportation network company that provides coverage in the*
 1099 *event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been*
 1100 *canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or*

1101 *c. Any combination of subdivisions a and b.*

1102 *A transportation network company may meet its obligations under this subsection through a policy*
 1103 *obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company*
 1104 *verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC*
 1105 *partner's use of a vehicle in connection with a transportation network company's digital platform.*

1106 *D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a*
 1107 *TNC partner is en route to or transporting a passenger during a prearranged ride described in*
 1108 *subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until*
 1109 *the passenger exits the vehicle.*

1110 *E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance*
 1111 *obligations of this section has lapsed or ceased to exist, the transportation network company shall*
 1112 *provide the coverage required by this section beginning with the first dollar of a claim.*

1113 *F. This section shall not limit the liability of a transportation network company arising out of an*
 1114 *accident involving a TNC partner in any action for damages against a transportation network company*
 1115 *for an amount above the required insurance coverage.*

1116 *G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident*
 1117 *with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in*
 1118 *connection with a transportation network company and who provides the transportation network*
 1119 *company with the date, approximate time, and location of the accident, and if available the name of the*
 1120 *TNC partner and if available the accident report, may request in writing from the transportation*
 1121 *network company information relating to the insurance coverage and the company providing the*
 1122 *coverage. The transportation network company shall respond electronically or in writing within 30 days.*
 1123 *The transportation network company's response shall contain the following information: (i) whether, at*
 1124 *the approximate time of the accident, the TNC partner was logged into the transportation network*
 1125 *company's digital platform and, if so logged in, whether a trip request had been accepted or a*
 1126 *passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary*
 1127 *coverage; and (iii) the identity and last known address of the TNC partner.*

1128 *H. No contract, receipt, rule, or regulation shall exempt any transportation network company from*
 1129 *the liability that would exist had no contract been made or entered into, and no such contract, receipt,*
 1130 *rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or*
 1131 *misconduct of such transportation network company shall be valid. The liability referred to in this*
 1132 *subsection shall mean the liability imposed by law upon a transportation network company for any loss,*
 1133 *damage, or injury to passengers in its custody and care as a transportation network company.*

1134 *I. Any insurance required by this section may be placed with an insurer that has been admitted in*
 1135 *Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.*

1136 *J. Any insurance policy required by this section shall satisfy the financial responsibility requirement*
 1137 *for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner*
 1138 *vehicle.*

1139 *K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any*
 1140 *transportation network company that has not certified to the Department that every TNC partner vehicle*
 1141 *it has authorized to operate on its digital platform is covered by an insurance policy that meets the*
 1142 *requirements of this section.*

1143 *L. Each transportation network company shall keep on file with the Department proof of an*
 1144 *insurance policy maintained by the transportation network company in accordance with this section.*
 1145 *Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in*
 1146 *the files of the Department six months after the certificate is revoked or suspended for any cause.*

1147 *M. The Department may suspend a certificate if the certificate holder fails to comply with the*
 1148 *requirements of this section. Any person whose certificate has been suspended pursuant to this*
 1149 *subsection may request a hearing as provided in subsection D of § 46.2-2011.26.*

1150 *N. In a claims coverage investigation, a transportation network company and its insurer shall*
 1151 *cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of*
 1152 *information, including the dates and times of any accident involving a TNC partner and the precise*
 1153 *times that the TNC partner logged in and was logged out of the transportation network company's*
 1154 *digital platform.*

1155 **§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.**

1156 A. Records maintained by a transportation network company shall be adequate to confirm
1157 compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall
1158 at a minimum include:

1159 1. True and accurate results of each national criminal history records check for each individual that
1160 the transportation network company authorizes to act as a TNC partner;

1161 2. True and accurate results of the driving history research report for each individual that the
1162 transportation network company authorizes to act as a TNC partner;

1163 3. Driver's license records of TNC partners, including records associated with participation in a
1164 driver record monitoring program;

1165 4. True and accurate results of the sex offender screening for each individual that the transportation
1166 network company authorizes to act as a TNC partner;

1167 5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of
1168 § 46.2-2099.50;

1169 6. Proof of compliance with the notice and disclosure requirements of subsection D of
1170 § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and

1171 7. Proof that the transportation network company obtained certification from the TNC partner that
1172 the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration
1173 as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

1174 A transportation network company shall retain all records required under this subsection for a
1175 period of three years. Such records shall be retained in a manner that permits systematic retrieval and
1176 shall be made available to the Department in a format acceptable to the Commissioner for the purposes
1177 of conducting an audit on no more than an annual basis.

1178 B. A transportation network company shall maintain the following records and make them available,
1179 in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the
1180 Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and
1181 resolve a complaint or respond to an incident:

1182 1. Data regarding TNC partner activity while logged into the digital platform, including beginning
1183 and ending times and locations of each prearranged ride;

1184 2. Records regarding any actions taken against a TNC partner;

1185 3. Contracts or agreements between the transportation network company and its TNC partners;

1186 4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and
1187 driver's license number and the state issuing the license; and

1188 5. Information identifying each TNC partner vehicle the transportation network company has
1189 authorized, including the vehicle's make, model, model year, vehicle identification number, and license
1190 plate number and the state issuing the license plate.

1191 Requests for information pursuant to subdivision 2 or 3 shall be in writing.

1192 C. Information obtained by the Department, law-enforcement officers, officials of the Washington
1193 Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall
1194 be considered privileged information and shall only be used by the Department, law-enforcement
1195 officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and
1196 operators for purposes specified in subsection A or B. Such information shall not be subject to
1197 disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of
1198 the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires
1199 such information for the purposes specified in subsection A or B.

1200 D. Except as provided in subsection C, information obtained by the Department, law-enforcement
1201 officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and
1202 operators pursuant to this section shall not be disclosed to anyone without the transportation network
1203 company's express written permission and shall not be subject to disclosure through a court order or
1204 through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700
1205 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such
1206 information directly from a transportation network company during a court proceeding.

1207 E. Except as required under this section, a transportation network company shall not disclose any
1208 personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

1209 1. The transportation network company obtains the user's consent to disclose the personal
1210 information;

1211 2. The disclosure is necessary to comply with a legal obligation; or

1212 3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or
1213 to investigate violations of the terms and conditions.

1214 This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to
1215 information about the user that is not personal information as defined in § 2.2-3801.

- 1216 2. That the Department of Motor Vehicles shall periodically consult with local government officials
1217 to determine whether transportation network companies have had an effect on the availability of
1218 wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall
1219 work collaboratively with appropriate stakeholders to develop recommendations to be submitted to
1220 the Chairmen of the House and Senate Committees on Transportation.
- 1221 3. That beginning July 1, 2016, the Department of Motor Vehicles shall review enforcement
1222 activity undertaken regarding the provisions of this act, insurance policies available to TNC
1223 partners that may require changes to the provisions of subdivisions E 1 and 2 of § 46.2-2099.49 as
1224 created by this act, the fees set forth in § 46.2-2011.5 of the Code of Virginia as amended by this
1225 act, and in § 46.2-2099.50 as created by this act to determine whether those fees adequately cover
1226 the Department's costs of administering the additional responsibilities imposed on the Department
1227 under this act. The Department shall report the results of its review to the Chairmen of the House
1228 and Senate Committees on Transportation no later than December 1, 2016.
- 1229 4. That the provisions of subsection K of § 46.2-2099.48 as created by this act, which require a
1230 digital platform to allow customers or passengers prearranging rides to indicate whether a
1231 passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to
1232 individuals with disabilities, shall become effective on July 1, 2016.
- 1233 5. That the transportation network companies shall advise TNC partners that a TNC partner's
1234 personal automobile insurance policy may not provide collision or comprehensive coverage for
1235 damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation
1236 network company's digital platform, unless such policy expressly provides for TNC insurance
1237 coverage. Such notice shall be provided to each TNC partner until January 1, 2016.
- 1238 6. That notwithstanding any other provision of law, a personal automobile insurer may, at its
1239 discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an
1240 existing policy, that covers a motor vehicle with a seating capacity of eight or fewer persons,
1241 including the driver, while used in connection with a transportation network company's digital
1242 platform.
- 1243 7. That the provisions of this act adding § 46.2-2099.52 shall become effective on January 1, 2016.
- 1244 8. That no provision of this act or existing law shall be construed to prevent any motor carrier
1245 regulated under the existing provisions of Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 from
1246 offering services through an online digital platform, unless such motor carrier chooses to operate
1247 as a transportation network company.