

15104207D

SENATE BILL NO. 1025

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 26, 2015)

(Patrons Prior to Substitute—Senators Watkins, Obenshain and Marsden [SB 1102], and Stanley [SB 1216])
A BILL to amend and reenact §§ 46.2-694, as it is currently effective and as it may become effective, 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, 46.2-1400, 46.2-2000, 46.2-2001.3, 46.2-2011.5, 46.2-2011.6, 46.2-2011.20, 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.

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 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total

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

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

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

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

82 10a. Fourteen dollars for a moped, to be paid into the state treasury and set aside as a special fund to
83 be used to meet the expenses of the Department.

84 10b. Eighteen dollars for an autocycle.

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

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

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

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

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

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

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

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

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

120 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
121 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall

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

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

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

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

140 **§ 46.2-694. (Contingent effective date) Fees for vehicles designed and used for transportation of**
 141 **passengers; weights used for computing fees; burden of proof.**

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 143 transportation of passengers on the highways in the Commonwealth are:

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

150 2. Twenty-eight dollars for each *private* passenger car or motor home ~~which~~ *that* weighs more than
 151 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is
 152 not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; *however, the*
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 157 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
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 159 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
 160 pounds.

161 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
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 163 pounds.

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 165 beings.

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 167 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
 168 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
 169 in subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he
 170 may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

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

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

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192 or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the
193 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
194 4,000 pounds. This ~~subsection~~ *subdivision* does not apply to vehicles used as common carriers *or as*
195 *TNC partner vehicles as defined in § 46.2-2000.*

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202 surcharge of \$3, which shall be distributed as provided in § 46.2-1191.

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204 be used to meet the expenses of the Department.

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

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210 vehicles.

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213 from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to
214 be used only for emergency medical service purposes. The moneys in the special emergency medical
215 services fund shall be distributed as follows:

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

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

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

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

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

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

241 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
242 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
243 be in addition to any local appropriations and local governing bodies shall not use these funds to
244 supplant local funds. Each local governing body shall report annually to the Board of Health on the use

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

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

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

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

261 **§ 46.2-711. Furnishing number and design of plates; displaying on vehicles required.**

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

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

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

271 2. Taxicabs;

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

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

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

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

277 7. Trailers and semitrailers.

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

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

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

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

289 **§ 46.2-749.5. Special license plates celebrating Virginia's tobacco heritage.**

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

293 B. License plates may be issued under this section for display on vehicles registered as trucks, as
 294 that term is defined in § 46.2-100, provided that no license plates are issued pursuant to this section for
 295 (i) vehicles operated for hire, *except TNC partner vehicles as defined in § 46.2-2000*; (ii) vehicles
 296 registered under the International Registration Plan⁵; or (iii) vehicles registered as tow trucks or tractor
 297 trucks as defined in § 46.2-100. No permanent license plates without decals as authorized in subsection
 298 B of § 46.2-712 may be issued under this section. For each set of truck license plates issued under this
 299 subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, an
 300 annual fee of \$25.

301 **§ 46.2-753. Additional license fees in certain localities.**

302 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax
 303 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those
 304 specified in § 46.2-752, on passenger cars, *including passenger cars that are used as TNC partner*
 305 *vehicles as defined in § 46.2-2000, but not on passenger cars that are otherwise used for the*

306 transportation of passengers for compensation. The additional fee shall be no more than ~~five dollars~~ \$5.
307 The total local license fee shall be no more than ~~twenty-five dollars~~ \$25 on any vehicle, and this license
308 fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

365 Any amounts collected by the motor vehicle renting company in excess of the actual amount of its
366 costs incurred relating to its vehicle license fees shall be retained by the motor vehicle renting company
367 and applied toward the recovery of its next calendar year's costs relating to such fees. In such event, the

368 good faith estimate of any vehicle license fee to be charged by the company for the next calendar year
 369 shall be reduced to take into account the excess amount collected from the prior year.

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

375 **§ 46.2-1400. "Ridesharing arrangement" defined.**

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

381 **§ 46.2-2000. Definitions.**

382 Whenever used in this chapter unless expressly stated otherwise:

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

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

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

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

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

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

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

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

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

412 "Department" means the Department of Motor Vehicles.

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

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

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

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

428 "Highway" means every public highway or place of whatever nature open to the use of the public for

429 purposes of vehicular travel in the Commonwealth, including the streets and alleys in towns and cities.

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

439 "Interstate" means transportation of passengers between states.

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

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

442 "Minibus" means any motor vehicle having a seating capacity of not less than seven nor more than
443 31 passengers, including the driver, and used in the transportation of passengers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

526 **§ 46.2-2001.3. Application; notice requirements.**

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

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

537 *For the purposes of this subsection, "identification marker" does not include trade dress.*

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

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

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

551 **§ 46.2-2011.5. Filing and application fees.**

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

561 **§ 46.2-2011.6. Vehicle fees.**

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

573 **§ 46.2-2011.20. Unlawful use of registration and identification markers.**

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

581 **§ 46.2-2011.22. Violation; criminal penalties.**

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

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

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

599 **§ 46.2-2011.24. Grounds for denying, suspending, or revoking licenses, permits, or certificates.**

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

- 602 1. Material misstatement or omission in application for license, certificate, permit, identification
 603 marker, or vehicle registration;
- 604 2. Failure to comply subsequent to receipt of a written warning from the Department or any willful
 605 failure to comply with a lawful order, any provision of this chapter or any regulation promulgated by
 606 the Department under this chapter, or any term, condition, or restriction of a license, permit, or
 607 certificate;
- 608 3. Failure to comply with zoning or other land use regulations, ordinances, or statutes;
- 609 4. Use of deceptive business acts or practices;
- 610 5. Knowingly advertising by any means any assertion, representation, or statement of fact that is
 611 untrue, misleading, or deceptive relating to the conduct of the business for which a license, certificate,
 612 permit, identification marker, or vehicle registration is held or sought;
- 613 6. Having been found, through a judicial or administrative hearing, to have committed fraudulent or

614 deceptive acts in connection with the business for which a license, permit, or certificate is held or
615 sought or any consumer-related fraud;

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

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

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

621 10. Having been convicted of a felony;

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

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

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

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

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

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

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

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

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

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

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

642 22. Failure to comply with the requirements of the Americans with Disabilities Act *or the Virginians*
643 *with Disabilities Act (§ 51.5-1 et seq.)*; ~~or~~

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

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

648 **§ 46.2-2011.29. Surrender of identification marker, license plate, and registration card; removal**
649 **by law enforcement; operation of vehicle denied.**

650 *A. For purposes of this section, "identification marker" does not include trade dress.*

651 *B. It shall be unlawful for a licensee, permittee, or certificate holder, or for the registrant or*
652 *operator of a vehicle registered under subsection B of § 46.2-2099.50, whose license, permit, or*
653 *certificate, or vehicle's registration as a TNC partner vehicle, has been revoked, suspended, canceled, or*
654 *renewal thereof denied pursuant to this chapter to fail or refuse to surrender, on demand, to the*
655 *Department license plates, identification markers, and registration cards issued under this title.*

656 ~~*B.*~~ *C. Except as provided in subsection D, if any law enforcement law-enforcement officer finds*
657 *that a motor carrier vehicle bearing Virginia license plates or temporary transport plates is being*
658 *operated in violation of subsection A of this section B, such law enforcement law-enforcement officer*
659 *shall remove the license plate, identification marker, and registration card and shall forward the same to*
660 *the Department.*

661 *D. If the officer finds that a TNC partner vehicle bearing Virginia license plates is being operated in*
662 *violation of subsection B, such law-enforcement officer shall direct the operator of the vehicle to*
663 *promptly remove any identification marker and any registration card issued under subsection B of*
664 *§ 46.2-2099.50 and return the same to the Department. If any law-enforcement officer finds that a TNC*
665 *partner vehicle not bearing Virginia license plates is being operated in violation of subsection B, such*
666 *law-enforcement officer shall remove any identification marker and any registration card issued under*
667 *subsection B of § 46.2-2099.50 and shall forward the same to the Department.*

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

671 **§ 46.2-2051. Application of article.**

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

674

Transportation Network Companies.

675

§ 46.2-2099.45. Certificates required unless exempted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

725 F. A TNC partner shall carry at all times while operating a TNC partner vehicle proof of coverage
 726 under each in-force TNC insurance policy, which may be displayed as part of the digital platform, and
 727 each in-force personal automobile insurance policy covering the vehicle. The TNC partner shall present
 728 such proof of insurance upon request to the Commissioner, a law-enforcement officer, an airport owner
 729 and operator, an official of the Washington Metropolitan Area Transit Commission, or any person
 730 involved in an accident that occurs during the operation of a TNC partner vehicle. The transportation
 731 network company shall require the TNC partner's compliance with the provisions of this subsection.

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

736 H. A transportation network company shall provide to each of its TNC partners a credential, which

737 may be displayed as part of the digital platform, that includes the following information:

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

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

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

- 750 1. The name of the transportation network company;
- 751 2. The name of the TNC partner and the identification number issued to the TNC partner by the
- 752 transportation network company;
- 753 3. The license plate number of the TNC partner vehicle and the state issuing such license plate; and
- 754 4. The location, date, and approximate time that each passenger was or will be picked up.

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

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

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

765 TNC partners shall comply with all applicable laws regarding nondiscrimination against passengers
766 or potential passengers.

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

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

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

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

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

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

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

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

789 **§ 46.2-2099.49. Requirements for TNC partners; mandatory background screening; drug and**
790 **alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated**
791 **information to transportation network companies.**

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

794 B. 1. Before authorizing an individual to act as a TNC partner, and at least once every two years
795 after authorizing an individual to act as a TNC partner, a transportation network company shall obtain
796 a national criminal history records check of that person. The background check shall include (i) a
797 Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide

798 database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes
799 Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The
800 person conducting the background check shall be accredited by the National Association of Professional
801 Background Screeners or a comparable entity approved by the Department.

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

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

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

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

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

817 3. Within the preceding seven years has been convicted of or has pled guilty or nolo contendere to
818 any of the following offenses, either under Virginia law or a substantially similar law of another state
819 or of the United States: (i) any felony offense other than those included in subdivision 2; (ii) an offense
820 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
821 driver's license pursuant to § 46.2-389 or 46.2-391; or

822 4. Within the preceding three years has been convicted of or has pled guilty or nolo contendere to
823 any of the following offenses, either under Virginia law or a substantially similar law of another state
824 or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as
825 described in § 46.2-817; (iii) reckless driving, as described in Article 7 (§ 46.2-852 et seq.) of Chapter
826 8; (iv) operating a motor vehicle in violation of § 46.2-301; or (v) refusing to submit to a chemical test
827 to determine the alcohol or drug content of the person's blood or breath, as described in § 18.2-268.3.

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

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

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

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

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

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

850 F. A TNC partner shall inform each transportation network company that has authorized him to act
851 as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner,
852 including any of the following: a change in the registration status of the TNC partner vehicle; the
853 revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the
854 insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest,
855 plea, or conviction.

856 **§ 46.2-2099.50. Requirements for TNC partner vehicles; registration with and identification**
857 **markers issued by Department; identification markers issued by transportation network company.**

858 A. A TNC partner vehicle shall:

859 1. Be a personal vehicle;

- 860 2. Have a seating capacity of no more than eight persons, including the driver;
- 861 3. Be validly titled and registered in the Commonwealth or in another state;
- 862 4. Not have been issued a certificate of title, either in Virginia or in any other state, branding the
- 863 vehicle as salvage, nonrepairable, rebuilt, or any equivalent classification;
- 864 5. Have a valid Virginia safety inspection and carry proof of that inspection in the vehicle;
- 865 6. Be covered under a TNC insurance policy meeting the requirements of § 46.2-2099.51 or
- 866 46.2-2099.52, as applicable; and
- 867 7. Be registered with the Department for use as a TNC partner vehicle and display an identification
- 868 marker issued by the Department as provided in subsection B.

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

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

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

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

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

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

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

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

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

917 For each TNC partner vehicle it authorizes, a transportation network company shall issue trade
918 dress to the TNC partner associated with that vehicle. The trade dress shall be sufficient to identify the
919 transportation network company or digital platform with which the vehicle is affiliated and shall be
920 displayed in a manner that complies with Virginia law. The trade dress shall be of such size, shape, and

921 color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is
922 not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness. The trade
923 dress may take the form of a removable device that meets the identification and visibility requirements
924 of this subsection.

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

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

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

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

941 **§ 46.2-2099.51. TNC insurance until January 1, 2016.**

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

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

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

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

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

957 a. TNC insurance maintained by a TNC partner;

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

959 c. Any combination of subdivisions a and b.

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

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

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

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

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

983 accepts another prearranged ride request on the digital platform or logs off the digital platform:
 984 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary
 985 and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death
 986 and bodily injury and at least \$50,000 for property damage.
 987 2. The requirements for the coverage required by this subsection may be satisfied by any of the
 988 following:
 989 a. TNC insurance maintained by a TNC partner;
 990 b. TNC insurance maintained by a transportation network company that provides coverage in the
 991 event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been
 992 canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or
 993 c. Any combination of subdivisions a and b.
 994 A transportation network company may meet its obligations under this subsection through a policy
 995 obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company
 996 verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC
 997 partner's use of a vehicle in connection with a transportation network company's digital platform.
 998 3. If the TNC partner vehicle is insured under a personal automobile insurance policy that does not
 999 exclude coverage, then such policy shall provide primary coverage and an insurance policy maintained
 1000 by the transportation network company under subdivision 2 c shall provide excess coverage up to at
 1001 least the limits required by subdivision 1.
 1002 D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a
 1003 TNC partner is en route to or transporting a passenger during a prearranged ride described in
 1004 subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until
 1005 the passenger exits the vehicle.
 1006 E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance
 1007 obligations of this section has lapsed or ceased to exist, the transportation network company shall
 1008 provide the coverage required by this section beginning with the first dollar of a claim.
 1009 F. This section shall not limit the liability of a transportation network company arising out of an
 1010 accident involving a TNC partner in any action for damages against a transportation network company
 1011 for an amount above the required insurance coverage.
 1012 G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident
 1013 with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in
 1014 connection with a transportation network company and who provides the transportation network
 1015 company with the date, approximate time, and location of the accident, and if available the name of the
 1016 TNC partner and if available the accident report, may request in writing from the transportation
 1017 network company information relating to the insurance coverage and the company providing the
 1018 coverage. The transportation network company shall respond electronically or in writing within 30 days.
 1019 The transportation network company's response shall contain the following information: (i) whether, at
 1020 the approximate time of the accident, the TNC partner was logged into the transportation network
 1021 company's digital platform and, if so logged in, whether a trip request had been accepted or a
 1022 passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary
 1023 coverage; and (iii) the identity and last known address of the TNC partner.
 1024 H. No contract, receipt, rule, or regulation shall exempt any transportation network company from
 1025 the liability that would exist had no contract been made or entered into, and no such contract, receipt,
 1026 rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or
 1027 misconduct of such transportation network company shall be valid. The liability referred to in this
 1028 subsection shall mean the liability imposed by law upon a transportation network company for any loss,
 1029 damage, or injury to passengers in its custody and care as a transportation network company.
 1030 I. Any insurance required by this section may be placed with an insurer that has been admitted in
 1031 Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.
 1032 J. Any insurance policy required by this section shall satisfy the financial responsibility requirement
 1033 for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner
 1034 vehicle.
 1035 K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any
 1036 transportation network company that has not certified to the Department that every TNC partner vehicle
 1037 it has authorized to operate on its digital platform is covered by an insurance policy that meets the
 1038 requirements of this section.
 1039 L. Each transportation network company shall keep on file with the Department proof of an
 1040 insurance policy maintained by the transportation network company in accordance with this section.
 1041 Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in
 1042 the files of the Department six months after the certificate is suspended or revoked for any cause.
 1043 M. The Department may suspend a certificate if the certificate holder fails to comply with the

1044 requirements of this section. Any person whose certificate has been suspended pursuant to this
 1045 subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

1046 N. In a claims coverage investigation, a transportation network company and its insurer shall
 1047 cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of
 1048 information, including the dates and times of any accident involving a TNC partner and the precise
 1049 times that the TNC partner logged in and was logged out of the transportation network company's
 1050 digital platform.

1051 **§ 46.2-2099.52. TNC insurance.**

1052 A. On and after January 1, 2016, at all times during the operation of a TNC partner vehicle, a
 1053 transportation network company or TNC partner shall keep in force TNC insurance as provided in this
 1054 section.

1055 B. The following requirements shall apply to TNC insurance from the moment a TNC partner accepts
 1056 a prearranged ride request on a transportation network company's digital platform until the TNC
 1057 partner completes the transaction on the digital platform or until the prearranged ride is complete,
 1058 whichever is later:

1059 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and
 1060 the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1
 1061 million.

1062 2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage.
 1063 Such coverage shall apply from the moment a passenger enters a TNC partner vehicle until the
 1064 passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured
 1065 motorist coverage for death, bodily injury, and property damage shall be \$1 million.

1066 3. The requirements of this subsection may be satisfied by any of the following:

1067 a. TNC insurance maintained by a TNC partner;

1068 b. TNC insurance maintained by a transportation network company; or

1069 c. Any combination of subdivisions a and b.

1070 A transportation network company may meet its obligations under this subsection through a policy
 1071 obtained by a TNC partner under subdivision a or c only if the transportation network company verifies
 1072 that the policy is maintained by the TNC partner.

1073 4. Insurers providing insurance coverage under this subsection shall have the exclusive duty to
 1074 defend any liability claim, including any claim against a TNC partner, arising from an accident
 1075 occurring within the time periods specified in this subsection. Neither the TNC partner's nor the vehicle
 1076 owner's personal automobile insurance policy shall have the duty to defend or indemnify the TNC
 1077 partner's activities in connection with the transportation network company, unless the policy expressly
 1078 provides otherwise for the period of time to which this subsection is applicable or the policy contains an
 1079 amendment or endorsement to provide that coverage.

1080 5. Coverage under a TNC insurance policy shall not be dependent on a personal automobile
 1081 insurance policy first denying a claim, nor shall a personal automobile insurance policy be required to
 1082 first deny a claim.

1083 6. Nothing in this subsection shall be construed to require a personal automobile insurance policy to
 1084 provide primary or excess coverage. Neither the TNC partner's nor the vehicle owner's personal
 1085 automobile insurance policy shall provide any coverage to the TNC partner, the vehicle owner, or any
 1086 third party, unless the policy expressly provides for that coverage during the period of time to which
 1087 this subsection is applicable or the policy contains an amendment or endorsement to provide that
 1088 coverage.

1089 C. The following requirements shall apply to TNC insurance (i) from the moment a TNC partner logs
 1090 on to a transportation network company's associated digital platform until the TNC partner accepts a
 1091 request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on
 1092 the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either
 1093 accepts another prearranged ride request on the digital platform or logs off the digital platform:

1094 1. TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be primary and
 1095 shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and
 1096 bodily injury and at least \$25,000 for property damage.

1097 2. The requirements for the coverage required by this subsection may be satisfied by any of the
 1098 following:

1099 a. TNC insurance maintained by a TNC partner;

1100 b. TNC insurance maintained by a transportation network company that provides coverage in the
 1101 event that a TNC partner's insurance policy under subdivision a has ceased to exist or has been
 1102 canceled or in the event that the TNC partner does not otherwise maintain TNC insurance; or

1103 c. Any combination of subdivisions a and b.

1104 A transportation network company may meet its obligations under this subsection through a policy
 1105 obtained by a TNC partner pursuant to subdivision a or c only if the transportation network company

1106 verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC
1107 partner's use of a vehicle in connection with a transportation network company's digital platform.

1108 D. In the event that the digital platform becomes inaccessible due to failure or malfunction while a
1109 TNC partner is en route to or transporting a passenger during a prearranged ride described in
1110 subsection B, TNC insurance coverage shall be presumed to be that required in subdivision B 1 until
1111 the passenger exits the vehicle.

1112 E. In every instance where TNC insurance maintained by a TNC partner to fulfill the insurance
1113 obligations of this section has lapsed or ceased to exist, the transportation network company shall
1114 provide the coverage required by this section beginning with the first dollar of a claim.

1115 F. This section shall not limit the liability of a transportation network company arising out of an
1116 accident involving a TNC partner in any action for damages against a transportation network company
1117 for an amount above the required insurance coverage.

1118 G. Any person, or an attorney acting on his behalf, who suffers a loss in an automobile accident
1119 with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in
1120 connection with a transportation network company and who provides the transportation network
1121 company with the date, approximate time, and location of the accident, and if available the name of the
1122 TNC partner and if available the accident report, may request in writing from the transportation
1123 network company information relating to the insurance coverage and the company providing the
1124 coverage. The transportation network company shall respond electronically or in writing within 30 days.
1125 The transportation network company's response shall contain the following information: (i) whether, at
1126 the approximate time of the accident, the TNC partner was logged into the transportation network
1127 company's digital platform and, if so logged in, whether a trip request had been accepted or a
1128 passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary
1129 coverage; and (iii) the identity and last known address of the TNC partner.

1130 H. No contract, receipt, rule, or regulation shall exempt any transportation network company from
1131 the liability that would exist had no contract been made or entered into, and no such contract, receipt,
1132 rule, or regulation for exemption from liability for injury or loss occasioned by the neglect or
1133 misconduct of such transportation network company shall be valid. The liability referred to in this
1134 subsection shall mean the liability imposed by law upon a transportation network company for any loss,
1135 damage, or injury to passengers in its custody and care as a transportation network company.

1136 I. Any insurance required by this section may be placed with an insurer that has been admitted in
1137 Virginia or with an insurer providing surplus lines insurance as defined in § 38.2-4805.2.

1138 J. Any insurance policy required by this section shall satisfy the financial responsibility requirement
1139 for a motor vehicle under § 46.2-706 during the period such vehicle is being operated as a TNC partner
1140 vehicle.

1141 K. The Department shall not issue the certificate of fitness required under § 46.2-2099.45 to any
1142 transportation network company that has not certified to the Department that every TNC partner vehicle
1143 it has authorized to operate on its digital platform is covered by an insurance policy that meets the
1144 requirements of this section.

1145 L. Each transportation network company shall keep on file with the Department proof of an
1146 insurance policy maintained by the transportation network company in accordance with this section.
1147 Such proof shall be in a form acceptable to the Commissioner. A record of the policy shall remain in
1148 the files of the Department six months after the certificate is revoked or suspended for any cause.

1149 M. The Department may suspend a certificate if the certificate holder fails to comply with the
1150 requirements of this section. Any person whose certificate has been suspended pursuant to this
1151 subsection may request a hearing as provided in subsection D of § 46.2-2011.26.

1152 N. In a claims coverage investigation, a transportation network company and its insurer shall
1153 cooperate with insurers involved in the claims coverage investigation to facilitate the exchange of
1154 information, including the dates and times of any accident involving a TNC partner and the precise
1155 times that the TNC partner logged in and was logged out of the transportation network company's
1156 digital platform.

1157 **§ 46.2-2099.53. Recordkeeping and reporting requirements for transportation network companies.**

1158 A. Records maintained by a transportation network company shall be adequate to confirm
1159 compliance with subsection D of § 46.2-2099.48 and with §§ 46.2-2099.49 and 46.2-2099.50 and shall
1160 at a minimum include:

1161 1. True and accurate results of each national criminal history records check for each individual that
1162 the transportation network company authorizes to act as a TNC partner;

1163 2. True and accurate results of the driving history research report for each individual that the
1164 transportation network company authorizes to act as a TNC partner;

1165 3. Driver's license records of TNC partners, including records associated with participation in a
1166 driver record monitoring program;

1167 4. True and accurate results of the sex offender screening for each individual that the transportation
1168 network company authorizes to act as a TNC partner;

1169 5. Proof of compliance with the requirements enumerated in subdivisions A 1 and 3 through 6 of
1170 § 46.2-2099.50;

1171 6. Proof of compliance with the notice and disclosure requirements of subsection D of
1172 § 46.2-2099.48 and subsections D and E of § 46.2-2099.49; and

1173 7. Proof that the transportation network company obtained certification from the TNC partner that
1174 the TNC partner secured the consent of each owner, lessor, and lessee of the vehicle for its registration
1175 as a TNC partner vehicle and for its use as a TNC partner vehicle by the TNC partner.

1176 A transportation network company shall retain all records required under this subsection for a
1177 period of three years. Such records shall be retained in a manner that permits systematic retrieval and
1178 shall be made available to the Department in a format acceptable to the Commissioner for the purposes
1179 of conducting an audit on no more than an annual basis.

1180 B. A transportation network company shall maintain the following records and make them available,
1181 in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the
1182 Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and
1183 resolve a complaint or respond to an incident:

1184 1. Data regarding TNC partner activity while logged into the digital platform, including beginning
1185 and ending times and locations of each prearranged ride;

1186 2. Records regarding any actions taken against a TNC partner;

1187 3. Contracts or agreements between the transportation network company and its TNC partners;

1188 4. Information identifying each TNC partner, including the TNC partner's name, date of birth, and
1189 driver's license number and the state issuing the license; and

1190 5. Information identifying each TNC partner vehicle the transportation network company has
1191 authorized, including the vehicle's make, model, model year, vehicle identification number, and license
1192 plate number and the state issuing the license plate.

1193 Requests for information pursuant to subdivision 2 or 3 shall be in writing.

1194 C. Information obtained by the Department, law-enforcement officers, officials of the Washington
1195 Metropolitan Area Transit Commission, or airport owners and operators pursuant to this section shall
1196 be considered privileged information and shall only be used by the Department, law-enforcement
1197 officers, officials of the Washington Metropolitan Area Transit Commission, and airport owners and
1198 operators for purposes specified in subsection A or B. Such information shall not be subject to
1199 disclosure except on the written request of the Commissioner, a law-enforcement officer, an official of
1200 the Washington Metropolitan Area Transit Commission, or an airport owner and operator who requires
1201 such information for the purposes specified in subsection A or B.

1202 D. Except as provided in subsection C, information obtained by the Department, law-enforcement
1203 officers, officials of the Washington Metropolitan Area Transit Commission, or airport owners and
1204 operators pursuant to this section shall not be disclosed to anyone without the transportation network
1205 company's express written permission and shall not be subject to disclosure through a court order or
1206 through a third-party request submitted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700
1207 et seq.). This provision shall not be construed to mean that a person is denied the right to seek such
1208 information directly from a transportation network company during a court proceeding.

1209 E. Except as required under this section, a transportation network company shall not disclose any
1210 personal information, as defined in § 2.2-3801, about a user of its digital platform unless:

1211 1. The transportation network company obtains the user's consent to disclose the personal
1212 information;

1213 2. The disclosure is necessary to comply with a legal obligation; or

1214 3. The disclosure is necessary to protect or defend the terms and conditions for use of the service or
1215 to investigate violations of the terms and conditions.

1216 This limitation regarding disclosure does not apply to the disclosure of aggregated user data or to
1217 information about the user that is not personal information as defined in § 2.2-3801.

1218 2. That the Department of Motor Vehicles shall periodically consult with local government officials
1219 to determine whether transportation network companies have had an effect on the availability of
1220 wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall
1221 work collaboratively with appropriate stakeholders to develop recommendations to be submitted to
1222 the Chairmen of the House and Senate Committees on Transportation.

1223 3. That beginning July 1, 2016, the Department of Motor Vehicles shall review enforcement
1224 activity undertaken regarding the provisions of this act, insurance policies available to TNC
1225 partners that may require changes to the provisions of subdivisions E 1 and 2 of § 46.2-2099.49 as
1226 created by this act, the fees set forth in § 46.2-2011.5 of the Code of Virginia as amended by this
1227 act, and in § 46.2-2099.50 as created by this act to determine whether those fees adequately cover
1228 the Department's costs of administering the additional responsibilities imposed on the Department

1229 under this act. The Department shall report the results of its review to the Chairmen of the House
1230 and Senate Committees on Transportation no later than December 1, 2016.

1231 4. That the provisions of subsection K of § 46.2-2099.48 as created by this act, which require a
1232 digital platform to allow customers or passengers prearranging rides to indicate whether a
1233 passenger requires a wheelchair-accessible vehicle or a vehicle that is otherwise accessible to
1234 individuals with disabilities, shall become effective on July 1, 2016.

1235 5. That the transportation network companies shall advise TNC partners that a TNC partner's
1236 personal automobile insurance policy may not provide collision or comprehensive coverage for
1237 damage to the vehicle when the TNC partner uses a vehicle in connection with a transportation
1238 network company's digital platform, unless such policy expressly provides for TNC insurance
1239 coverage. Such notice shall be provided to each TNC partner until January 1, 2016.

1240 6. That notwithstanding any other provision of law, a personal automobile insurer may, at its
1241 discretion, offer an automobile liability insurance policy, or an amendment or endorsement to an
1242 existing policy, that covers a motor vehicle with a seating capacity of eight or fewer persons,
1243 including the driver, while used in connection with a transportation network company's digital
1244 platform.

1245 7. That the provisions of this act adding § 46.2-2099.52 shall become effective on January 1, 2016.

1246 8. That no provision of this act or existing law shall be construed to prevent any motor carrier
1247 regulated under the existing provisions of Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 from
1248 offering services through an online digital platform, unless such motor carrier chooses to operate
1249 as a transportation network company.