

As Introduced

131st General Assembly

Regular Session

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H. B. No. 237

**Representatives Duffey, Hackett
Cosponsor: Representative Bishoff**

A BILL

To enact sections 3938.01, 3938.02, 3938.03, 1
3938.04, 4925.01, 4925.02, 4925.03, 4925.04, 2
4925.05, 4925.06, 4925.07, 4925.08, 4925.09, and 3
4925.10 of the Revised Code to regulate 4
transportation network companies and 5
transportation network company services. 6

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

Section 1. That sections 3938.01, 3938.02, 3938.03, 7
3938.04, 4925.01, 4925.02, 4925.03, 4925.04, 4925.05, 4925.06, 8
4925.07, 4925.08, 4925.09, and 4925.10 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3938.01. As used in this chapter: 11

(A) "Automobile insurance policy" has the same meaning as 12
in section 3937.30 of the Revised Code. 13

(B) "Chauffeured limousine" has the same meaning as in 14
section 4501.01 of the Revised Code. 15

(C) "Digital network" means any online-enabled 16
application, software, web site, or system offered or utilized 17

by a transportation network company that enables the 18
prearrangement of rides with transportation network company 19
drivers. 20

(D) "Personal vehicle" means a vehicle that is used by a 21
transportation network company driver and is both of the 22
following: 23

(1) Owned, leased, or otherwise authorized for use by the 24
transportation network company driver; 25

(2) Is not a taxicab or other similar vehicle for hire, 26
chauffeured limousine, or ridesharing arrangement. 27

(E) "Ridesharing arrangement" has the same meaning as in 28
section 4921.01 of the Revised Code. 29

(F) "Transportation network company" includes a 30
corporation, partnership, association, limited liability 31
company, proprietorship, or any other entity operating in this 32
state that uses a digital network to connect transportation 33
network company riders to transportation network company drivers 34
who provide transportation network company services. 35

(G) "Transportation network company driver" or "driver" 36
means an individual to whom both of the following apply: 37

(1) The individual receives connections to passengers and 38
potential passengers and related services from a transportation 39
network company in exchange for the payment of a fee to the 40
company. 41

(2) The individual uses a personal vehicle to offer or 42
provide transportation network company services to riders upon 43
connection through a digital network controlled by a 44
transportation network company in return for compensation or 45

payment of a fee. 46

(H) "Transportation network company rider" or "rider" 47
means an individual or individuals using a transportation 48
network company's digital network to connect with a 49
transportation network company driver who provides 50
transportation network company services to the individual in a 51
personal vehicle between points chosen by the individual. 52

(I) (1) "Transportation network company services" means the 53
provision of transportation beginning when a transportation 54
network company driver accepts a ride requested by a rider 55
through a digital network controlled by a transportation network 56
company, continuing while the driver transports the requesting 57
rider, and ending when the last requesting rider departs from 58
the personal vehicle. 59

(2) "Transportation network company services" do not 60
include services provided by any of the following: 61

(a) A taxicab or other similar vehicle for hire; 62

(b) A chauffeured limousine; 63

(c) A ridesharing arrangement. 64

Sec. 3938.02. (A) (1) Each transportation network company 65
driver shall be covered by a primary automobile insurance policy 66
that recognizes that the driver is a transportation network 67
company driver or otherwise uses a vehicle to transport 68
passengers for compensation and provides coverage during both of 69
the following periods of time: 70

(a) While the driver is logged on to the transportation 71
network company's digital network; 72

(b) While the driver is engaged in transportation network 73

company services. 74

(2) The primary automobile insurance policy required by 75
division (A)(1) of this section shall meet the following 76
coverage requirements: 77

(a) While a transportation network company driver is 78
logged on to the transportation network company's digital 79
network and is available to receive transportation requests but 80
is not engaged in transportation network company services, 81
primary automobile insurance shall be maintained in the 82
following amounts: 83

(i) At least fifty thousand dollars because of bodily 84
injury to or death of one person in any one accident; 85

(ii) At least one hundred thousand dollars because of 86
bodily injury or death of two or more persons in any one 87
accident; 88

(iii) At least twenty-five thousand dollars because of 89
injury to property of others in any one accident. 90

(b) While a transportation network company driver is 91
engaged in transportation network company services, primary 92
automobile insurance shall be maintained in an amount of at 93
least one million dollars because of bodily injury or death of 94
one or more persons or injury to property of others in any one 95
accident. 96

(3) The insurance required by divisions (A)(1) and (2) of 97
this section may be satisfied by either of the following or a 98
combination of the following: 99

(a) An automobile insurance policy that is maintained by 100
the transportation network company driver; 101

(b) An automobile insurance policy that is maintained by 102
the transportation network company. 103

(B)(1) If personal automobile insurance maintained by a 104
transportation network company driver does not provide liability 105
coverage in the amounts required by division (A)(2) of this 106
section, insurance maintained by the transportation network 107
company shall provide the required coverage, beginning with the 108
first dollar of the claim and shall have the duty to defend the 109
claim. 110

(2) An automobile insurance policy maintained by a 111
transportation network company in accordance with this section 112
shall not require the driver's personal automobile insurer or 113
policy to first deny a claim before providing coverage. 114

(C) An automobile insurance policy required by this 115
section may be purchased from either of the following: 116

(1) A domestic, foreign, or alien insurance company 117
organized or admitted under Title XXXIX of the Revised Code to 118
issue such a policy; 119

(2) An insurer not holding a license in this state if the 120
policy is obtained through an individual holding a surplus lines 121
broker's license in accordance with sections 3905.30 to 3905.38 122
of the Revised Code. 123

(D) A transportation network company driver shall carry 124
proof of insurance satisfying the coverage requirements of 125
division (A)(2) of this section either physically or through use 126
of an electronic wireless communications device described in 127
section 4509.103 of the Revised Code at all times during the 128
driver's use of a personal vehicle in connection with a 129
transportation network company's digital network. In the event 130

of an accident, the driver shall provide this insurance 131
information to all parties claiming an interest in the 132
insurance, other insurers, and upon request of a peace officer 133
or state highway patrol trooper in accordance with division (D) 134
(2) of section 4509.101 of the Revised Code. Upon such a 135
request, the driver also shall disclose to the interested 136
parties, insurers, and officers and troopers whether the driver 137
was logged on to the transportation network company's digital 138
network or was providing transportation network company services 139
at the time of the accident. 140

(E) An automobile insurance policy that meets the 141
requirements of this section satisfies the proof of financial 142
responsibility for motor vehicles required under Chapter 4509. 143
of the Revised Code. 144

Sec. 3938.03. (A) An insurer issuing an automobile 145
insurance policy to the owner or operator of a personal vehicle 146
may exclude any and all coverage afforded under the policy for 147
any loss or injury that occurs while a transportation network 148
company driver is logged on to a transportation network 149
company's digital network or while the driver is providing 150
transportation network company services. This right to exclude 151
any and all coverage may apply to any coverage included in the 152
automobile insurance policy, including all of the following: 153

(1) Liability coverage for bodily injury and property 154
damage; 155

(2) Uninsured and underinsured motorist coverage described 156
in section 3937.18 of the Revised Code; 157

(3) Uninsured and underinsured motor vehicle property 158
damage coverage described in section 3937.181 of the Revised 159

<u>Code;</u>	160
<u>(4) Medical payments coverage;</u>	161
<u>(5) Comprehensive physical damage coverage;</u>	162
<u>(6) Collision physical damage coverage.</u>	163
<u>Any such exclusions shall apply notwithstanding any</u>	164
<u>requirement under Chapter 4509. of the Revised Code.</u>	165
<u>(B) (1) An insurer providing an automobile insurance policy</u>	166
<u>that excludes the coverage described in division (A) of this</u>	167
<u>section shall have no duty to defend or indemnify any claim</u>	168
<u>expressly excluded under the policy. Nothing in this chapter</u>	169
<u>shall be construed to invalidate or limit a provision contained</u>	170
<u>in an automobile insurance policy that excludes coverage for</u>	171
<u>vehicles that are used to carry persons or property for a charge</u>	172
<u>or that are available for hire by the public.</u>	173
<u>(2) If an insurer providing a policy of automobile</u>	174
<u>insurance defends or indemnifies a claim against a</u>	175
<u>transportation network company driver that is excluded under the</u>	176
<u>terms of the policy, the insurer shall have a right of</u>	177
<u>contribution against any other insurer that provides automobile</u>	178
<u>insurance to the driver in satisfaction of the insurance</u>	179
<u>coverage requirements of section 3938.02 of the Revised Code at</u>	180
<u>the time of the loss.</u>	181
<u>(C) (1) Nothing in this chapter implies or requires that a</u>	182
<u>personal automobile insurance policy provide coverage while a</u>	183
<u>transportation network company driver is logged on to the</u>	184
<u>transportation network company's digital network, while the</u>	185
<u>driver is engaged in transportation network company services, or</u>	186
<u>while the driver otherwise uses a vehicle to transport</u>	187
<u>passengers for compensation.</u>	188

(2) Nothing in this chapter shall be construed to preclude an insurer from providing coverage for a transportation network company driver's vehicle, if the insurer chooses to do so by contract or endorsement. 189
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(D) In a claims coverage investigation, a transportation network company and any insurer potentially providing automobile insurance pursuant to section 3938.02 of the Revised Code shall cooperate to facilitate the exchange of relevant information with directly interested parties and any personal insurer of the transportation network company driver, if applicable. The parties shall exchange the precise times that the transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the event resulting in the loss. The parties also shall disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained pursuant to section 3938.02 of the Revised Code. 193
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Sec. 3938.04. Before a transportation network company first allows a transportation network company driver to accept a request for transportation network company services on the company's digital network, the company shall disclose in writing to the driver both of the following: 208
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(A) The insurance coverage, including the types of coverage and limits for each type of coverage, that the transportation network company provides while the driver uses a personal vehicle in connection with transportation network company services; 213
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(B) That, depending on the terms of the policy, the 218

transportation network company driver's own personal automobile 219
insurance policy might not provide any coverage while the driver 220
uses a personal vehicle to provide or be available to provide 221
transportation network services. 222

Sec. 4925.01. As used in this chapter, "transportation 223
network company," "transportation network company driver," 224
"transportation company services," "digital network," and 225
"transportation network company rider" have the same meanings as 226
in section 3938.01 of the Revised Code. 227

Sec. 4925.02. (A) The public utilities commission shall 228
issue a transportation network company permit to any entity that 229
does all of the following: 230

(1) Applies for a permit issued in accordance with rules 231
adopted under this section; 232

(2) Affirms that the entity will maintain compliance with 233
the applicable requirements established under sections 4925.03 234
to 4925.08 of the Revised Code and with rules adopted under this 235
section; 236

(3) Submits along with an application for a permit a 237
permit fee of five thousand dollars. 238

Any permit issued under this section is effective for one 239
year commencing on the date of issuance. 240

(B) The public utilities commission shall adopt rules in 241
accordance with Chapter 119. of the Revised Code for purposes of 242
issuing permits to transportation network companies and 243
implementing the requirements of this chapter. 244

(C) No entity shall operate a transportation network 245
company without a valid permit issued under this section or 246

without complying with rules adopted by the public utilities 247
commission under this section or the applicable requirements of 248
sections 4925.03 to 4925.08 of the Revised Code. 249

Sec. 4925.03. A transportation network company shall do 250
all of the following: 251

(A) Disclose its fare calculation method on its digital 252
network; 253

(B) Provide transportation network company riders or 254
potential riders with the applicable rates charged by the 255
transportation network company; 256

(C) Allow a transportation network company rider or 257
potential rider to request and receive an estimated fare before 258
the rider or potential rider receives transportation network 259
company services; 260

(D) Ensure that for each transportation network company 261
service request, before the transportation network company rider 262
enters the transportation network company driver's vehicle, the 263
transportation network company's digital network provides a 264
photograph of the transportation network company driver and the 265
license plate number of the motor vehicle that will provide the 266
transportation network company service; 267

(E) Establish a process by which the transportation 268
network company shall accept payments for transportation network 269
company services through the company's digital network and 270
prohibit the acceptance of cash by any transportation network 271
driver; 272

(F) Within a reasonable period of time after the 273
completion of transportation network services, transmit an 274
electronic receipt to the transportation network company rider 275

that includes the origin and destination of the trip, the 276
distance of the trip, the total time during which transportation 277
network company services were provided, and an itemization of 278
the total fare charged; 279

(G) Designate an agent located within this state who is 280
authorized to receive service of process; 281

(H) Comply with the requirements established under 282
sections 3938.02 to 3938.04 of the Revised Code; 283

(I) Comply with any other requirements established by the 284
public utilities commission. 285

Sec. 4925.04. (A) Prior to authorizing a person to act as 286
a transportation network company driver, a transportation 287
network company shall do all of the following: 288

(1) Require the person to submit an application to the 289
transportation network company that includes at least all of the 290
following: 291

(a) The person's address; 292

(b) The person's age; 293

(c) The person's driver's license number and information 294
on the person's driving history; 295

(d) A copy of the certificate of motor vehicle 296
registration for the vehicle the person will use to provide 297
transportation network company services; 298

(e) Proof of automobile insurance. 299

(2) Conduct a background check on each applicant, 300
including both of the following: 301

(a) A search of a multi-state/multi-jurisdiction criminal 302

records database, or a similar nationwide criminal records 303
database, and validation of any records through a primary source 304
search; 305

(b) A search of the United States department of justice 306
national sex offender public web site; 307

(3) Obtain and review a driving history report with regard 308
to each applicant. 309

(B) A transportation network company shall not authorize a 310
person to act as a transportation network company driver if any 311
of the following apply to the person: 312

(1) The person does not possess a valid driver's license. 313

(2) The person does not possess a valid certification of 314
motor vehicle registration for the motor vehicle that the person 315
intends to use to provide transportation network company 316
services. 317

(3) The person does not possess automobile liability 318
insurance for the vehicle that the person intends to use to 319
provide transportation network company services that meets the 320
requirements of section 3938.02 of the Revised Code unless the 321
transportation network company provides such insurance on behalf 322
of the driver. 323

(4) The person has not attained the age of nineteen. 324

(5) Within the past three years, the person has been 325
convicted of, or pleaded guilty to, more than three violations 326
of section 4511.194, 4511.204, 4511.21, 4511.211, 4511.251, 327
4511.29, 4511.30, 4511.39, 4511.46, 4511.47, 4511.711, or 328
4511.75 of the Revised Code or an existing or former municipal 329
ordinance or law of this or any other state, or of the United 330

States, that is substantially equivalent to any offense listed 331
in division (B) (5) of this section. 332

(6) Within the past three years, the person has been 333
convicted of, or pleaded guilty to, any serious vehicle-related 334
offense, including a violation of division (B) of section 335
2921.331 of the Revised Code or a violation of section 4510.11, 336
4510.111, 4510.12, 4510.14, 4510.16, 4510.18, 4511.20, or 337
4511.201 of the Revised Code or an existing or former municipal 338
ordinance or law of this or any other state, or of the United 339
States, that is substantially equivalent to any offense listed 340
in division (B) (6) of this section. 341

(7) Within the past seven years, the person has been 342
convicted of, or pleaded guilty to, any of the following: 343

(a) Operating a vehicle while under the influence of 344
alcohol, a drug of abuse, or a combination of both, in violation 345
of section 4511.19 of the Revised Code; 346

(b) The commission of any felony offense while operating, 347
or being a passenger in, a motor vehicle; 348

(c) A theft or fraud offense in violation of section 349
2911.01 or 2911.02 of the Revised Code or any provision of 350
Chapter 2913. of the Revised Code; 351

(d) A property damage offense in violation of section 352
2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2909.09, 2909.10, 353
or 2909.101 of the Revised Code; 354

(e) A sex offense in violation of any provision of Chapter 355
2907. of the Revised Code; 356

(f) An offense of violence as defined in section 2901.01 357
of the Revised Code; 358

(g) An act of terrorism as defined in section 2909.21 of 359
the Revised Code; 360

(h) A violation of an existing or former municipal 361
ordinance or law of this or any other state, or of the United 362
States, that is substantially equivalent to any offense listed 363
in division (B)(7) of this section. 364

(8) A search of the United States department of justice 365
national sex offender public web site indicates that the person 366
is identified as a sex offender. 367

Sec. 4925.05. (A)(1) A transportation network company 368
shall prohibit any transportation network company driver from 369
logging onto the transportation network company's digital 370
network or providing transportation network company services 371
while under the influence of any amount of alcohol or a drug of 372
abuse. A transportation network company shall notify all drivers 373
of this prohibition and shall provide notice of this policy on 374
the digital network of the transportation network company. 375

(2) As used in division (A)(1) of this section, "drug of 376
abuse" has the same meaning as in section 4506.01 of the Revised 377
Code. For purposes of this section, "drug of abuse" does not 378
include any drug that was obtained pursuant to a prescription 379
issued by a licensed health professional authorized to prescribe 380
drugs if the drug is taken in accordance with the directions of 381
the health professional and does not impair the ability of the 382
person who took the drug to operate a motor vehicle. 383

(B) A transportation network company shall establish a 384
procedure by which a rider may report a complaint against a 385
transportation network company driver for a violation of the 386
company's prohibition established under division (A) of this 387

section. The transportation network company shall provide 388
information about the complaint procedure on the digital network 389
of the transportation network company. Upon receiving a 390
complaint alleging a violation of the prohibition established 391
under division (A) of this section, a transportation network 392
company shall immediately suspend the access of the driver 393
accused of the violation to the transportation network company's 394
digital network and shall conduct an investigation into the 395
reported incident. 396

(C) A transportation network company shall retain all 397
complaints submitted under division (B) of this section, and all 398
records related to the investigation of such a complaint, for a 399
period of two years commencing on the date each complaint was 400
filed. 401

Sec. 4925.06. (A) No transportation network company driver 402
shall fail to comply with the nondiscrimination policy of a 403
transportation network company for which the driver provides 404
transportation network services if such a policy has been 405
established or with any applicable law regarding 406
nondiscrimination or the accommodation of service animals. 407

(B) No transportation network company shall charge any 408
additional fee for providing transportation network company 409
services to a person with a disability on the basis of the 410
disability. 411

(C) A transportation network company shall provide an 412
option on the digital network of the transportation network 413
company for a potential rider to request a wheelchair-accessible 414
vehicle. If the transportation network company cannot arrange 415
such a service for a potential rider who requests a wheelchair- 416
accessible vehicle, the transportation network company shall 417

direct the potential rider to another provider if possible. 418

Sec. 4925.07. A transportation network company shall 419
maintain records of both of the following: 420

(A) All transportation network company drivers for not 421
less than one year after the date each driver last provided 422
transportation network company services; 423

(B) Each instance in which transportation network company 424
services are provided for not less than one year after the 425
services are provided. 426

Sec. 4925.08. (A) No transportation network company driver 427
shall accept payment for transportation network company services 428
other than a payment processed through the digital network of 429
the transportation network company. 430

(B) No transportation network company driver shall solicit 431
or accept any passenger other than through the digital network 432
of the transportation network company at any time during which 433
the transportation network company driver is logged onto the 434
digital network. 435

Sec. 4925.09. (A) The regulation of transportation network 436
companies, transportation network company drivers, and 437
transportation network company services is a matter of general 438
statewide interest that requires statewide regulation. Chapter 439
4925. and sections 3938.01 to 3938.04 of the Revised Code 440
constitute a comprehensive plan with respect to all aspects of 441
the regulation of transportation network companies, 442
transportation network company drivers, and transportation 443
network company services. Accordingly, it is the intent of the 444
general assembly to preempt any local ordinance, resolution, or 445
other law adopted to license, register, tax, or otherwise 446

regulate transportation network companies, transportation 447
network company drivers, or transportation network company 448
services. 449

(B) With regard to the provision of transportation network 450
company services, no transportation network company or 451
transportation network company driver is subject to regulation 452
as a chauffeured limousine under section 4511.85 of the Revised 453
Code, as a taxicab or vehicle for hire, or as a for-hire motor 454
carrier under Chapters 4921. and 4923. of the Revised Code. No 455
vehicle used to provide transportation network company services 456
shall be required to register as a chauffeured limousine, 457
taxicab or vehicle for hire, commercial car, or for-hire motor 458
carrier in order to provide transportation network company 459
services. 460

Sec. 4925.10. (A) Chapters 4111., 4121., 4123., 4141., and 461
sections 4113.15, 4113.16, 4113.51, 4113.52, and 4113.53 of the 462
Revised Code do not apply to transportation network companies 463
with regard to transportation network company drivers and 464
transportation network company drivers are not employees for 465
purposes of those chapters or sections, except where agreed to 466
by written contract. If the parties agree to the application of 467
one or more of these laws in a written contract, the 468
transportation network company shall notify the appropriate 469
agency of the election to cover the driver. If the parties 470
subsequently change this election, the transportation network 471
company shall notify the appropriate agency of the change. 472

(B) Except where agreed to by written contract, a 473
transportation network company driver is not an agent of a 474
transportation network company. 475