

HOUSE BILL NO. HB0080

Transportation network companies.

Sponsored by: Representative(s) Zwonitzer, Biteman, Kinner, Lindholm, Paxton, Pelkey, Schwartz, Walters and Wilson and Senator(s) Ellis, Pappas and Rothfuss

A BILL

for

1 AN ACT relating to motor vehicles; establishing
2 requirements for transportation network companies,
3 including driver requirements and disclosure requirements;
4 providing exclusions for transportation network companies
5 and drivers; specifying insurance requirements for
6 transportation network companies and transportation network
7 company drivers; authorizing related insurance policy
8 exclusions; superseding local government regulations which
9 conflict with this act; conforming provisions; providing
10 rulemaking authority; and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

1 **Section 1.** W.S. 31-20-101 through 31-20-111 are
2 created to read:

3

4

CHAPTER 20

5

TRANSPORTATION NETWORK COMPANIES

6

7

31-20-101. Definitions.

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9

(a) As used in this chapter:

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(i) "Digital network" means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with a driver;

(ii) "Driver" means an individual operator of a transportation network company vehicle who:

(A) Receives connection to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

1 (B) Uses a transportation network company
2 vehicle to offer or provide a prearranged ride to riders
3 upon connection through a digital network controlled by a
4 transportation network company in exchange for
5 compensation.

6

7 (iii) "Prearranged ride" means the provision of
8 transportation by a driver to a rider:

9

10 (A) Beginning when a driver accepts a
11 rider's request for a ride through a digital network
12 controlled by a transportation network company;

13

14 (B) Continuing while the driver transports
15 the requesting rider; and

16

17 (C) Ending when the rider exits the
18 transportation network company vehicle.

19

20 (iv) "Rider" means a natural person who uses a
21 transportation network company's digital network to connect
22 with a driver who provides prearranged rides in a

1 transportation network company vehicle between locations
2 chosen by the natural person;

3

4 (v) "Transportation network company" means a
5 person operating in Wyoming that uses a digital network to
6 communicate a request for a prearranged ride;

7

8 (vi) "Transportation network company vehicle"
9 means a vehicle that is:

10

11 (A) Used by a driver to provide a
12 prearranged ride;

13

14 (B) Owned, leased or otherwise authorized
15 for use by the driver.

16

17 **31-20-102. Agent.**

18

19 A transportation network company shall maintain a
20 registered agent for service of process in Wyoming pursuant
21 to W.S. 17-28-101.

22

23 **31-20-103. Fare collected for services.**

1

2 On behalf of a driver, a transportation network company may
3 charge a fare for the services provided to riders, provided
4 that if a fare is collected from a rider, the
5 transportation network company shall disclose to the rider
6 the fare or fare calculation method on its digital network.
7 The transportation network company shall provide a rider
8 with the applicable rate being charged for a prearranged
9 ride and the option to receive an estimated fare before the
10 rider enters the transportation network company vehicle.

11

12 **31-20-104. Identification of transportation network**
13 **company vehicles and drivers.**

14

15 A transportation network company's digital network shall
16 display a picture of the driver and the license plate
17 number of the transportation network company vehicle used
18 to provide the prearranged ride prior to a rider entering a
19 transportation network company vehicle.

20

21 **31-20-105. Electronic receipt.**

22

1 Within four (4) hours following the completion of a
2 prearranged ride, a transportation network company shall
3 transmit an electronic receipt to the rider on behalf of
4 the driver that provides a record of the origin and
5 destination of the prearranged ride, the total time and
6 distance of the prearranged ride and an itemization of the
7 total fare paid, if any.

8

9 **31-20-106. Driver requirements.**

10

11 (a) Before a transportation network company may allow
12 an individual to act as a driver, the transportation
13 network company shall:

14

15 (i) Require the individual to submit to the
16 transportation network company an application that includes
17 all of the following:

18

19 (A) The individual's name, mailing address
20 and age;

21

22 (B) A photocopy of the individual's
23 driver's license;

1

2

(C) A photocopy of the registration for the transportation network company vehicle that the individual will use to provide prearranged rides;

5

6

(D) Proof of financial responsibility for the transportation network company vehicle that the individual will use to provide prearranged rides;

9

10

(E) Any other information required by the transportation network company.

12

13

(ii) Conduct, or cause a third party to conduct, the following:

15

16

(A) A local and national criminal background check on the individual, as authorized under W.S. 7-19-106(a);

19

20

(B) A search of the national sex offender registry for the individual;

22

1 (C) A search of the individual's driving
2 history pursuant to W.S. 31-7-309(a).

3
4 **31-20-107. Financial responsibilities of**
5 **transportation network companies and drivers.**

6
7 (a) A driver, or a transportation network company on
8 the driver's behalf, shall maintain a motor vehicle
9 liability policy that recognizes the driver provides
10 prearranged rides and covers the driver:

11
12 (i) While the driver is available to receive
13 requests for prearranged rides; and

14
15 (ii) While the driver is engaged in a
16 prearranged ride.

17
18 (b) The following automobile insurance requirements
19 shall apply while a participating driver is available to
20 receive requests for prearranged rides but is not engaged
21 in a prearranged ride:

22

1 (i) Primary automobile liability insurance in
2 the amount of at least fifty thousand dollars (\$50,000.00)
3 for death and bodily injury per person, one hundred
4 thousand dollars (\$100,000.00) for death and bodily injury
5 per incident and twenty-five thousand dollars (\$25,000.00)
6 for property damage; and

7

8 (ii) Uninsured motorist coverage as required by
9 W.S. 31-10-101.

10

11 (c) The following automobile insurance requirements
12 shall apply while a driver is engaged in a prearranged
13 ride:

14

15 (i) Primary automobile liability insurance that
16 provides at least one million dollars (\$1,000,000.00) for
17 death, bodily injury and property damage; and

18

19 (ii) Uninsured motorist coverage as required by
20 W.S. 31-10-101.

21

22 (d) The requirements of subsections (b) and (c) of
23 this section may be satisfied by a motor vehicle liability

1 policy or bond maintained by the driver, the transportation
2 network company or through a combination of the driver and
3 the transportation network company. The insurance
4 commissioner shall promulgate rules and regulations
5 necessary to implement this subsection.

6

7 (e) Coverage under an automobile insurance policy
8 maintained by the transportation network company shall not
9 be dependent on a personal automobile insurer first denying
10 a claim nor shall a personal automobile insurance policy be
11 required to deny a claim.

12

13 (f) If any insurance maintained by a driver pursuant
14 to subsection (b) or (c) of this section has lapsed or does
15 not provide the required coverage, the transportation
16 network company shall indemnify and hold harmless the
17 driver for any amount for settlement or judgment obtained
18 against the driver for actions taken as a driver of the
19 transportation network company.

20

21 (g) The insurance requirements of this section may be
22 satisfied by insurance placed with an insurer authorized as
23 required under W.S. 26-3-101 or with an eligible surplus

1 lines insurer as defined in W.S. 26-11-107 that has a
2 credit rating of no less than "A-" from A.M. Best or
3 similar rating from another rating agency recognized by the
4 department of insurance.

5

6 (h) A driver shall carry digital or physical proof of
7 coverage satisfying the requirements of subsections (b) and
8 (c) of this section with the driver at all times while
9 operating a transportation network company vehicle. In the
10 event of an accident, a driver shall provide this insurance
11 coverage information to the directly interested parties,
12 automobile insurers and investigating police officers upon
13 request. Upon such request, a driver shall also disclose to
14 directly interested parties, automobile insurers and
15 investigating police officers whether the driver was
16 available to receive a request for a prearranged ride or
17 engaged in a prearranged ride at the time of the accident.

18

19 (j) In a claims coverage investigation, a
20 transportation network company shall immediately provide
21 upon request by directly involved parties or, if
22 applicable, any insurer of the driver, the precise times
23 that a driver was available to receive a request for a

1 prearranged ride in the twelve (12) hour period immediately
2 preceding and in the twelve (12) hour period immediately
3 following the accident. Insurers potentially providing
4 coverage under this section shall disclose upon request by
5 any other insurer involved in the particular claim, the
6 applicable coverages, exclusions and limits provided under
7 any automobile insurance maintained in order to satisfy the
8 requirements of this section.

9

10 **31-20-108. Automobile insurance provisions.**

11

12 (a) Insurers that write automobile insurance in
13 Wyoming may exclude any and all coverage afforded under the
14 policy issued to an owner or operator of a transportation
15 network company vehicle for any loss or injury that occurs
16 while a driver is available to receive a request for a
17 prearranged ride or while a driver is engaged in a
18 prearranged ride. This right to exclude all coverage may
19 apply to any coverage included in an automobile insurance
20 policy, including any of the following:

21

22 (i) Liability coverage for bodily injury and
23 property damage;

1

2 (ii) Uninsured and underinsured motorist
3 coverage;

4

5 (iii) Medical payments coverage;

6

7 (iv) Comprehensive coverage;

8

9 (v) Collision coverage.

10

11 (b) Subsection (a) of this section shall apply
12 notwithstanding any requirement under W.S. 31-9-405.
13 Nothing in this section implies or requires that a personal
14 automobile insurance policy provide coverage while a driver
15 is available to receive a request for a prearranged ride,
16 while the driver is engaged in a prearranged ride or while
17 the driver otherwise uses a transportation network company
18 vehicle to transport riders for compensation.

19

20 (c) Nothing in this section shall be construed as to
21 require an insurer to use any particular policy language or
22 reference to this section in order to exclude any and all
23 coverage for any loss or injury that occurs while a driver

1 is available to receive a request for a prearranged ride or
2 while a driver provides a prearranged ride.

3

4 (d) Nothing in this section shall be deemed to
5 preclude an insurer from providing primary or excess
6 coverage for the driver's transportation network company
7 vehicle, if it chooses to do so by contract or endorsement.

8

9 (e) Automobile insurers that exclude the coverage
10 described in W.S. 31-20-107 shall have no duty to defend or
11 indemnify any claim expressly excluded thereunder. Nothing
12 in this chapter shall be deemed to invalidate or limit an
13 exclusion contained in a policy including any policy in use
14 in Wyoming prior to the enactment of this chapter that
15 excludes coverage for vehicles used to carry persons or
16 property for a charge or which are available for hire by
17 the public. An automobile insurer that defends or
18 indemnifies a claim against a driver that is excluded under
19 the terms of its policy shall have a right of contribution
20 against other insurers that provide automobile insurance to
21 the same driver in satisfaction of the coverage
22 requirements of W.S. 31-20-107.

23

1 **31-20-109. Required disclosures.**

2

3 (a) A transportation network company shall disclose
4 in writing to a driver before the driver is allowed to
5 accept a request for a prearranged ride on the
6 transportation network company's digital network:

7

8 (i) Any insurance or bond coverage, including
9 the types of coverage and the limits for each coverage, the
10 transportation network company provides to the driver when
11 the driver uses a transportation network company vehicle to
12 provide services in connection with the transportation
13 network company's digital network; and

14

15 (ii) That the driver's own automobile insurance
16 policy might not provide any coverage while the driver is
17 available to receive a request for a prearranged ride or is
18 engaged in a prearranged ride.

19

20 **31-20-110. Transportation network company and driver**
21 **exclusions.**

22

1 (a) A driver shall be an independent contractor and
2 not an employee of a transportation network company if:

3

4 (i) The transportation network company does not
5 unilaterally prescribe the hours during which a driver must
6 be available to receive requests for prearranged rides;

7

8 (ii) The transportation network company imposes
9 no restrictions on the driver's ability to use digital
10 networks of other transportation network companies to
11 provide prearranged rides;

12

13 (iii) The transportation network company does
14 not restrict a driver from engaging in commercial
15 activities unrelated to providing prearranged rides; and

16

17 (iv) The transportation network company and
18 driver agree in writing that the driver is an independent
19 contractor with respect to the transportation network
20 company.

21

22 (b) A transportation network company shall not be
23 deemed to control, direct or manage the transportation

1 network company vehicles or drivers that connect to its
2 digital network, except when agreed to by written contact.
3 Notwithstanding any other provision of law a transportation
4 network company or a driver shall not be deemed a
5 commercial vehicle operator, a common carrier, a contract
6 carrier, a motor carrier or a motor club.

7

8 (c) A transportation network company vehicle is not a
9 taxicab, limousine, for hire vehicle or any public
10 transportation conveyance. A driver shall not be required
11 to register the vehicle the driver uses to provide
12 prearranged rides as a commercial vehicle or a public
13 transportation business.

14

15 (d) A prearranged ride does not include
16 transportation provided using taxicab, limousine, for hire
17 vehicle or commercial vehicle pursuant to this title. A
18 prearranged ride does not include a shared expense carpool,
19 or any other type of arrangement or service in which the
20 driver receives a fee that does not exceed the driver's
21 costs associated with providing the ride.

22

23 **31-20-111. Controlling authority.**

1

2 Notwithstanding any other provision of law, transportation
3 network companies and drivers in this state are governed
4 exclusively by this chapter and any laws consistent with
5 this chapter. No municipality or other local or state
6 entity may impose a tax on, or require a license for a
7 transportation network company or driver or a vehicle used
8 by a driver where such tax or licenses relate to
9 facilitating or providing prearranged rides or subject a
10 municipality's or other state or local entity's rate,
11 entry, operational or other requirements that are
12 inconsistent with, are more restrictive than or exceed the
13 requirements of this chapter.

14

15 **Section 2.** W.S. 7-19-106(a) by creating a new
16 paragraph (xxvii), 31-4-103(a) and 31-7-309(a) by creating
17 a new paragraph (iv) are amended to read:

18

19 **7-19-106. Access to, and dissemination of,**
20 **information.**

21

1 (a) Criminal history record information shall be
2 disseminated by criminal justice agencies in this state,
3 whether directly or through any intermediary, only to:
4

5 (xxvii) A transportation network company for the
6 purposes of obtaining background information on
7 transportation network company drivers pursuant to W.S.
8 31-20-106.
9

10 **31-4-103. Failure to maintain liability coverage;**
11 **penalties; exceptions.**
12

13 (a) No owner of a motor vehicle currently required to
14 be registered or which is required to be registered within
15 a period of time, shall operate or permit the operation of
16 his motor vehicle without having in full force and effect a
17 motor vehicle liability policy in amounts provided by W.S.
18 31-9-405(b), ~~or~~ a bond in amounts provided by W.S.
19 31-9-102(a) (xi) or, when applicable, in amounts as required
20 by W.S. 31-20-107(b) and (c). Violation of this subsection
21 is a misdemeanor punishable by imprisonment for not more
22 than six (6) months, a fine of not less than two hundred
23 fifty dollars (\$250.00) nor more than seven hundred fifty

1 dollars (\$750.00), or both. On a second or subsequent
2 violation of this subsection, the person may be fined not
3 less than five hundred dollars (\$500.00) nor more than one
4 thousand five hundred dollars (\$1,500.00), imprisoned for
5 not more than six (6) months, or both. In addition to the
6 fine or imprisonment imposed for a second or subsequent
7 violation of this subsection, the judge shall require the
8 defendant to deliver the registration and license plates of
9 the vehicle involved to the county treasurer for the county
10 where the citation was issued, and the registration and
11 license plates shall be held by the county treasurer until
12 such time as the judge determines that the defendant has
13 met all obligations imposed by law. Excusable neglect or
14 mistake by another is a defense for any violation of this
15 subsection. If evidence of excusable neglect or mistake by
16 another is presented and the defendant is convicted, the
17 court may consider this evidence in imposing a penalty
18 under this subsection. The judge may suspend part or all of
19 the sentence under this subsection and place the defendant
20 on probation subject to conditions imposed by the judge
21 which shall include a condition that the defendant shall
22 deliver the registration and license plates of the vehicle
23 involved to the county treasurer for the county where the

1 citation was issued. This subsection does not apply to a
2 vehicle owned by a nonresident and registered in a state
3 requiring insurance if a vehicle insurance policy meeting
4 requirements of the laws and regulations of that state is
5 in effect or unless it otherwise complies with the laws of
6 that state concerning compulsory financial responsibility.
7 The department shall report any violation of this
8 subsection to the motor vehicle administrator in the state
9 wherein the vehicle is registered. A vehicle owned by a
10 nonresident and registered in a state not requiring
11 insurance is exempt from this subsection.

12

13 **31-7-309. Driving record information to be furnished.**

14

15 (a) Notwithstanding any other provision of law, the
16 department of transportation shall furnish full information
17 regarding the driving record of any person:

18

19 (iv) To a transportation network company to
20 evaluate a prospective transportation network company
21 driver as required by W.S. 31-20-106 upon payment of the
22 required fee.

23

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)