

February 17, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1144

Page 1, line 1, replace "chapter" with "chapters"

Page 1, line 1, after "26.1-40.1" insert "and 39-34"

Page 1, line 3, after "networks" insert "and services"

Page 1, line 3, remove "; and to provide for application"

Page 1, line 8, after "chapter" insert "and chapter 39-34"

Page 2, line 5, remove "a liability insurance policy that"

Page 2, replace lines 6 through 8 with "an insurance policy that covers a driver's use of a vehicle in connection with a transportation network company's online-enabled application or platform."

Page 2, line 10, after "writing" insert "or electronic form"

Page 2, line 14, replace "in writing of when" with "that"

Page 2, line 15, replace "will" with "may"

Page 2, line 16, after "writing" insert "or electronic form"

Page 2, line 18, replace "will" with "may"

Page 2, line 20, after "notice" insert "in writing or electronically to driver instructing the driver to notify the driver's personal automobile insurer"

Page 2, line 20, replace "a" with "the"

Page 2, line 21, remove "directly to the driver's personal automobile insurer unless that"

Page 2, line 22, remove "insurer is providing transportation network company insurance to the driver"

Page 2, line 24, after "ride" insert "**when the passenger has exited the vehicle**"

Page 2, line 26, replace "and unless otherwise specified." with "that provides for"

Page 2, line 27, after "requirements" insert "that"

Page 2, line 29, after "company" insert "liability"

Page 2, line 30, replace "personal" with "bodily"

Page 3, line 13, replace "as provided" with "when required"

Page 3, line 16, after the first "the" insert "sole"

Page 3, replace lines 17 through 22 with:

"e. Coverage under a transportation network company insurance policy may neither be dependent on a driver's personal automobile

insurance policy carrier first denying a claim nor a personal automobile insurance policy carrier being required to first deny a claim.

- f. In every instance where transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of this section has excluded coverage according to its policy or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 6

Page 5, line 7, replace "**26.1-40.1-05**" with "**26.1-40.1-04**"

Page 5, remove lines 11 through 30

Page 6, line 1, replace "**26.1-40.1-07**" with "**26.1-40.1-05**"

Page 6, line 3, replace "Notwithstanding any other law, a" with "A"

Page 6, line 7, remove "only if the policy expressly provides for the coverage"

Page 6, remove lines 8 and 9

Page 6, line 10, remove "separately stated premium may be charged"

Page 6, line 11, replace "**26.1-40.1-08**" with "**26.1-40.1-06**"

Page 6, line 18, replace "**26.1-40.1-09**" with "**26.1-40.1-07**"

Page 6, replace lines 19 through 24 with "A transportation network company may not disclose any personally identifiable information of a transportation network company passenger except under a legal obligation or for payment processing. For any other disclosure, the transportation network company must obtain the passenger's written consent on a separate form specifically addressing passenger personal information before the company may disclose the passenger's personally identifiable information."

Page 6, line 25, replace "**26.1-40.1-10**" with "**26.1-40.1-08**"

Page 6, line 28, replace "**26.1-40.1-11**" with "**26.1-40.1-09**"

Page 7, after line 2, insert:

**"26.1-40.1-10. Authorized or eligible carrier.**

Transportation network company insurance required by this chapter may be placed with an insurer authorized to do business in the state or with a surplus lines insurer eligible under section 26.1-44-03.

**SECTION 2.** Chapter 39-34 of the North Dakota Century Code is created and enacted as follows:

### **39-34-01. Agent.**

The transportation network company must maintain a registered agent with the secretary of state for service of process in this state.

### **39-34-02. Fare charged for services.**

The transportation network company shall provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the transportation network company driver's vehicle.

### **39-34-03. Transportation driver requirements.**

1. Before permitting an individual to act as a transportation network company driver on its digital platform, the transportation network company shall:
  - a. Require the individual to submit an application to the transportation network company, which includes information regarding the individual's address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;
  - b. Conduct, or have a third party conduct, a local and national criminal background check for each applicant that must include:
    - (1) Multistate and multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and
    - (2) National sex offender registry database; and
  - c. Obtain and review a driving history research report for the individual.
2. The transportation network company may not permit an individual to act as a transportation network company driver on its digital platform who:
  - a. Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period, including attempting to evade the police, reckless driving, or driving on a suspended or revoked license;
  - b. Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage, theft, an act of violence, or an act of terror;
  - c. Is a match in the national sex offender registry database;
  - d. Does not possess a valid driver's license;
  - e. Does not possess proof of registration for the motor vehicle used to provide transportation network company services;
  - f. Does not possess proof of automobile liability insurance for the motor vehicle used to provide transportation network company services; or
  - g. Is not at least eighteen years of age.

#### **39-34-04. Records.**

A transportation network company shall maintain individual trip records for at least one year from the date each trip was provided and transportation network company driver records at least until the six-year anniversary of the date on which a transportation network company driver's activation on the transportation network company digital network has ended.

#### **39-34-05. Confidentiality of passenger personal information.**

A transportation network company may not disclose any personally identifiable information of a transportation network company passenger except under a legal obligation or for payment processing. For any other disclosure, the transportation network company must obtain the passenger's written consent on a separate form specifically addressing passenger personal information before the company may disclose the passenger's personally identifiable information.

#### **39-34-06. Controlling authority.**

Notwithstanding any other provision of law, transportation network companies and transportation network company drivers are governed exclusively by this chapter and chapter 26.1-40.1 and any rules adopted by the department of transportation consistent with this chapter and by the insurance commissioner under section 1 of this Act. A political subdivision may not impose a tax on, or require a license for, a transportation network company or a transportation network company driver or subject a transportation network company to the political subdivision's rate, entry, operational, or other requirements."

Page 7, remove lines 3 through 5

Renumber accordingly