

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 130

AN ACT

To repeal section 67.1819, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation network companies, with penalty provisions.

---

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A.   Section 67.1819, RSMo, is repealed and twenty-  
2 five new sections enacted in lieu thereof, to be known as  
3 sections 67.1819, 387.400, 387.402, 387.404, 387.406, 387.407,  
4 387.408, 387.410, 387.412, 387.414, 387.416, 387.418, 387.420,  
5 387.422, 387.424, 387.425, 387.426, 387.428, 387.430, 387.432,  
6 387.433, 387.434, 387.436, 387.438, and 387.440, to read as  
7 follows:

8           67.1819.   [1. The commission with the passage of a taxicab  
9 code shall request a Missouri criminal record review for a  
10 prospective or current driver from the central repository by  
11 furnishing information on forms and in the manner approved by the  
12 highway patrol.

13           2. The prospective or current driver shall submit two sets

1 of fingerprints to the Missouri state highway patrol, Missouri  
2 criminal records repository, for the purpose of checking the  
3 person's criminal history. The first set of fingerprints shall  
4 be used to search the Missouri criminal records repository and  
5 the second set shall be submitted to the Federal Bureau of  
6 Investigation to be used for searching the federal criminal  
7 history files.

8 3. The prospective or current driver shall pay the  
9 appropriate fee to the state central repository payable to the  
10 criminal record system fund and pay the appropriate fee  
11 determined by the Federal Bureau of Investigation for the federal  
12 criminal history record when applying for or renewing a license.

13 4. Any criminal history information received by the  
14 commission pursuant to the provisions of this section shall be  
15 used solely for the internal purposes of the commission in  
16 determining the suitability of the prospective or current driver.  
17 The dissemination of criminal history information from the  
18 Federal Bureau of Investigation beyond the authorized or related  
19 governmental entity is prohibited. All criminal record check  
20 information shall be confidential and any person who discloses  
21 the information beyond the scope allowed is guilty of a class A  
22 misdemeanor] Notwithstanding any other provision of law, the  
23 commission shall establish in the taxicab code promulgated  
24 pursuant to section 67.1812 a criminal background check policy  
25 that applies to each prospective and current driver.

26 387.400. As used in sections 387.400 to 387.440 the  
27 following terms mean:

28 (1) "Department", the Missouri department of revenue;

1           (2) "Digital network", any online-enabled technology  
2 application, website, or system offered or utilized by a  
3 transportation network company that enables the prearrangement of  
4 rides with transportation network company drivers;

5           (3) "Prearranged ride", the provision of transportation by  
6 a TNC driver to a rider, beginning when a TNC driver accepts a  
7 ride requested by a rider through a digital network controlled by  
8 a transportation network company, continuing while the TNC driver  
9 transports a requesting rider, and ending when the last  
10 requesting rider departs from the TNC vehicle. A prearranged  
11 ride shall not include:

12           (a) Transportation provided using a taxi, limousine, or  
13 other for-hire vehicle under chapter 390; or

14           (b) A shared expense carpool or vanpool arrangement or  
15 service;

16           (4) "Transportation network company" or "TNC", a  
17 corporation, partnership, sole proprietorship, or other entity  
18 that is licensed pursuant to sections 387.400 to 387.440 and  
19 operating in the state of Missouri, that uses a digital network  
20 to connect TNC riders to TNC drivers who provide prearranged  
21 rides. A TNC shall not be deemed to own, control, direct,  
22 operate, or manage the TNC vehicles or TNC drivers that connect  
23 to its digital network, except where agreed to by written  
24 contract;

25           (5) "Transportation network company (TNC) driver" or  
26 "driver", an individual who:

27           (a) Receives connections to potential riders from a  
28 transportation network company in exchange for payment of a fee

1 to the transportation network company; and

2 (b) Uses a TNC vehicle to offer or provide a prearranged  
3 ride to riders upon connection through a digital network  
4 controlled by a transportation network company in return for  
5 compensation;

6 (6) "Transportation network company (TNC) rider" or  
7 "rider", an individual or persons who use a TNC's digital network  
8 to connect with a TNC driver who provides prearranged rides to  
9 the rider in the TNC driver's TNC vehicle between points chosen  
10 by the rider;

11 (7) "Transportation network company (TNC) vehicle" or "TNC  
12 vehicle", a vehicle that is used by a transportation network  
13 company driver and is:

14 (a) Owned, leased, or otherwise authorized for use by the  
15 TNC driver; and

16 (b) Not a taxicab, limousine, or for-hire vehicle under  
17 chapter 390.

18 387.402. Notwithstanding any other provision of law, TNCs  
19 and TNC drivers shall not be considered common carriers, contract  
20 carriers, or motor carriers, as defined in section 390.020, a  
21 taxicab, as defined in section 390.020, a taxicab service or  
22 association, or a for-hire vehicle service. A TNC driver shall  
23 not be required to register the vehicle such driver uses to  
24 provide prearranged rides as a commercial or for-hire vehicle.

25 387.404. 1. Beginning on August 28, 2017, a person shall  
26 not operate a TNC in the state of Missouri without first having  
27 obtained a license from the department.

28 2. The department shall issue a license to each applicant

1 who:

2 (1) Meets the requirements for a TNC set forth in sections  
3 387.400 to 387.440; and

4 (2) Pays an annual license fee of five thousand dollars to  
5 the department. This annual fee shall cover all transportation  
6 network company drivers affiliated with the transportation  
7 network company, and no per driver or per vehicle fee shall be  
8 assessed.

9 387.406. A TNC shall maintain an agent for service of  
10 process in the state of Missouri.

11 387.407. TNCs and TNC drivers shall comply with the  
12 provisions of sections 379.1700 to 379.1708.

13 387.408. On behalf of a TNC driver, a TNC may charge a fare  
14 for the services provided to riders; provided that, if a fare is  
15 collected from a rider, the TNC shall disclose to the rider the  
16 fare, or fare structure on its website or on its digital network.  
17 If the fare is based on actual time and distance traveled, the  
18 TNC on its website shall also provide riders with the applicable  
19 time and distance rates being charged and the option to receive  
20 an estimated fare before the rider enters the TNC vehicle.

21 387.410. The TNC's digital network shall display a picture  
22 of the TNC driver and the license plate number of the motor  
23 vehicle utilized for providing the prearranged ride before the  
24 rider enters the TNC driver's vehicle.

25 387.412. Within a reasonable period of time following the  
26 completion of a trip, a TNC shall transmit an electronic receipt  
27 to the TNC rider on behalf of the TNC driver that lists:

28 (1) The origin and destination of the trip;

1       (2) The total time and distance of the trip, if the fare is  
2 based on actual time and distance traveled; and

3       (3) The total fare paid, if any.

4       387.414. Except as provided in section 387.433, all TNC  
5 drivers shall be independent contractors and not employees of the  
6 TNC if all of the following conditions are met:

7       (1) The TNC does not prescribe specific hours during which  
8 a TNC driver must be logged into the TNC's digital network;

9       (2) The TNC imposes no restrictions on the TNC driver's  
10 ability to utilize digital networks from other TNCs;

11       (3) The TNC does not restrict a TNC driver from engaging in  
12 any other occupation or business; and

13       (4) The TNC and TNC driver agree in writing that the driver  
14 is an independent contractor with respect to the TNC.

15       387.416. Except when agreed to by written contract, a  
16 transportation network company driver is not an agent of a  
17 transportation network company.

18       387.418. 1. A transportation network company shall  
19 implement a zero tolerance intoxicating substance policy for  
20 transportation network company drivers that disallows any amount  
21 of intoxication of the transportation network company driver  
22 while providing transportation network services. The TNC shall  
23 provide notice of the zero tolerance policy on its website, as  
24 well as procedures to report a complaint about a driver with whom  
25 a rider was matched and whom the rider reasonably suspects was  
26 under the influence of drugs or alcohol during the course of the  
27 trip.

28       2. Upon receipt of such rider complaint alleging a

1 violation of the zero tolerance policy, the TNC shall suspend  
2 such TNC driver's ability to accept trip requests through the  
3 TNC's digital network as soon as possible, and shall conduct an  
4 investigation into the reported incident. The suspension shall  
5 last the duration of the investigation.

6 3. The TNC shall maintain records relevant to the  
7 enforcement of this requirement for a period of at least two  
8 years from the date that a rider complaint is received by the  
9 TNC.

10 387.420. 1. Before allowing an individual to accept trip  
11 requests through a TNC's digital network, the TNC shall:

12 (1) Require the individual to register with the TNC by  
13 submitting information regarding his or her address, age,  
14 driver's license, motor vehicle registration, automobile  
15 liability insurance, and other information required by the TNC;

16 (2) Conduct, or have a third party conduct, a local and  
17 national criminal background check for each applicant that shall  
18 include:

19 (a) Multi-state/multi-jurisdiction criminal records locator  
20 or other similar commercial nationwide database with validation,  
21 also known as a primary source search; and

22 (b) United States Department of Justice National Sex  
23 Offender public website; and

24 (c) Obtain and review, or have a third party obtain and  
25 review, a driving history research report for such individual.

26 2. The TNC shall not permit an individual to act as a TNC  
27 driver on its digital network who:

28 (a) Has had more than three moving violations in the prior

1 three-year period, or one major violation in the prior three-year  
2 period, including, but not limited to, attempting to evade a law  
3 enforcement officer, reckless driving, or driving on a suspended  
4 or revoked license;

5 (b) Has been convicted, within the past seven years, of  
6 driving under the influence of drugs or alcohol, fraud, a sexual  
7 offense, use of a motor vehicle to commit a felony, an offense  
8 involving property damage, theft, an act of violence, or an act  
9 of terror;

10 (c) Is a match in the United States Department of Justice  
11 National Sex Offender public website;

12 (d) Does not possess a valid driver's license;

13 (e) Does not possess proof of registration for the motor  
14 vehicle or vehicles used to provide prearranged rides;

15 (f) Does not possess proof of automobile liability  
16 insurance for the motor vehicle or vehicles used to provide  
17 prearranged rides; or

18 (g) Is not at least nineteen years of age.

19 3. A TNC driver who is qualified to accept trip requests  
20 through a TNC's digital network pursuant to this section shall  
21 not be required to obtain any other state or local license or  
22 permit to provide prearranged rides.

23 387.422. A TNC shall not allow a TNC driver to accept trip  
24 requests through the TNC's digital network unless any motor  
25 vehicle or vehicles that a TNC driver will use to provide  
26 prearranged rides meets the inspection requirements of section  
27 307.350.

28 387.424. A TNC driver shall not solicit or accept street



1 hails.

2 387.425. All TNCs shall adopt a privacy policy to protect  
3 the personal identifying information of TNC riders. The privacy  
4 policy shall:

5 (1) Include provisions regarding the disclosure of personal  
6 identifying information learned through a complaint or during the  
7 course of an investigation;

8 (2) Be consistent with all applicable state and federal  
9 laws; and

10 (3) Be submitted to the department as part of the  
11 application for a license.

12 387.426. 1. A TNC shall adopt a policy of  
13 nondiscrimination with respect to riders and potential riders and  
14 notify TNC drivers of such policy.

15 2. TNC drivers shall comply with all applicable laws  
16 regarding nondiscrimination against riders or potential riders.

17 3. TNC drivers shall comply with all applicable laws  
18 relating to accommodation of service animals.

19 4. A TNC shall not impose additional charges for providing  
20 services to persons with physical disabilities because of those  
21 disabilities.

22 387.428. A TNC shall maintain the following customer  
23 records:

24 (1) Individual trip records of riders for at least one year  
25 from the date each trip was provided; and

26 (2) Individual records of TNC drivers at least until the  
27 one year anniversary of the date on which a TNC driver's  
28 relationship with the TNC has ended.

1           387.430. 1. Notwithstanding any other provision of law,  
2 TNCs and TNC drivers are governed exclusively by sections 387.400  
3 to 387.440 and any rules promulgated by the department consistent  
4 with sections 387.400 to 387.440. No municipality or other local  
5 or state entity may impose a tax on, or require a license for, a  
6 TNC, a TNC driver, or a vehicle used by a TNC driver where such  
7 tax or license relates to providing prearranged rides, or subject  
8 a TNC to the municipality or other local or state entity's rate,  
9 entry, operational, or other requirements. Upon the enactment of  
10 this section, any municipality or other local entity's ordinance  
11 or policy that is inconsistent with sections 387.400 to 387.440  
12 shall be void and shall have no force or effect.

13           2. Nothing in this section shall prohibit an income tax  
14 imposed by the state or an earnings tax.

15           3. The department of revenue may promulgate all necessary  
16 rules and regulations for the administration of sections 387.400  
17 to 387.440. Any rule or portion of a rule, as that term is  
18 defined in section 536.010 that is created under the authority  
19 delegated in sections 387.400 to 387.440 shall become effective  
20 only if it complies with and is subject to all of the provisions  
21 of chapter 536, and, if applicable, section 536.028. Sections  
22 387.400 to 387.440 and chapter 536 are nonseverable and if any of  
23 the powers vested with the general assembly pursuant to chapter  
24 536, to review, to delay the effective date, or to disapprove and  
25 annul a rule are subsequently held unconstitutional, then the  
26 grant of rulemaking authority and any rule proposed or adopted  
27 after August 28, 2017, shall be invalid and void.

28           4. (1) Subject to subdivision (2) of this subsection,

1 nothing in sections 387.400 to 387.440 shall restrict or limit an  
2 airport from:

3 (a) Charging reasonable fees for the use of the airport or  
4 its facilities, provided that the fee is not assessed on a per-  
5 passenger basis. Nothing in this section shall prohibit an  
6 airport from charging reasonable pickup or dropoff fees; or

7 (b) Establishing operating procedures regarding staging,  
8 the dropping-off or picking-up of passengers at the airport, or  
9 use of airport facilities.

10 (2) An airport shall not impose any regulatory or licensing  
11 requirement that is additional to or inconsistent with the  
12 requirements described in sections 387.400 to 387.440, including  
13 requirements for background checks or trade dress. A TNC shall  
14 enter into an agreement with, or otherwise obtain authorization  
15 from, an airport prior to allowing TNC drivers to pick up  
16 passengers at the airport.

17 387.432. Except as described in section 387.433,  
18 transportation network companies shall not be considered  
19 employers of transportation network company drivers for purposes  
20 of chapters 285, 287, 288, and 290, except when agreed to by  
21 written contract. If the parties agree to the applicability of  
22 one or more of such chapters in a written contract, the  
23 transportation network company shall notify the appropriate  
24 agency of the election to cover the driver. If the parties  
25 subsequently change this election, the transportation network  
26 company shall notify the appropriate agency of the change.

27 387.433. The provisions of sections 387.414 and 387.432  
28 shall not apply to entities described in section 501(c)(3) of the

1 Internal Revenue Code, state or local government entities, or  
2 federally recognized Indian tribes.

3 387.434. Notwithstanding any other provision of law,  
4 sections 67.1800 to 67.1822 shall not apply to transportation  
5 network companies, transportation network drivers, or  
6 transportation network services.

7 387.436. 1. Upon receipt of information that a TNC driver  
8 has been convicted of driving under the influence of drugs or  
9 alcohol, fraud, a sexual offense, use of a motor vehicle to  
10 commit a felony, an offense involving property damage, theft, an  
11 act of violence, or an act of terror, a TNC shall immediately  
12 revoke such driver's ability to accept trip requests through the  
13 TNC's digital platform, and as soon as practicable, notify the  
14 department of the TNC driver's name, license number, and license  
15 plate number.

16 2. Upon receipt of information that a TNC driver has been  
17 involved in a traffic accident or incident that results in  
18 serious bodily injury or a fatality, a TNC shall notify the  
19 department of the driver's name, license number, and license  
20 plate number.

21 3. The department shall develop and implement a process to  
22 provide any information received under subsections 1 and 2 of  
23 this section to all other TNCs licensed in this state.

24 4. Notwithstanding any other provision of law, any  
25 information provided to the department under this section shall  
26 be exempt from disclosure under chapter 610.

27 387.438. 1. Notwithstanding any other provision of law,  
28 the department shall not require an individual who uses a motor

1 vehicle with a gross vehicle weight that is less than or equal to  
2 twelve thousand pounds for the purpose of providing  
3 transportation services as a TNC driver or taxicab driver, or for  
4 the purpose of providing food delivery services, as defined in  
5 subsection 2 of this section, to obtain any license other than a  
6 class F license, as described in Missouri code of state  
7 regulations section 10-24.200(6).

8 2. As used in this section, "food delivery services" shall  
9 mean the delivery of prepared food, as defined in section  
10 192.081, by an individual, including a fast food restaurant,  
11 delicatessen, or other facility that is engaged in the selling of  
12 food for consumption off the premises of the facility.

13 3. The department shall promulgate or amend any regulations  
14 of the department necessary to implement this section as soon as  
15 practicable after the effective date of this section.

16 387.440. 1. For the sole purpose of verifying that a TNC  
17 is in compliance with the requirements of sections 387.400 to  
18 387.440, and no more than twice per calendar year, any home rule  
19 city with more than four hundred thousand inhabitants and located  
20 in more than one county, and the regional taxicab commission  
21 established pursuant to section 67.1804, shall have the right to  
22 inspect a sample of up to ten records that the TNC is required to  
23 maintain. The sample shall be chosen from an anonymous list  
24 provided by the TNC to an appropriately designated municipal  
25 official or to the executive director of the regional taxicab  
26 commission, as applicable, and in a manner agreeable to both  
27 parties. After selecting the sample of ten unique records from  
28 the anonymous list, the TNC shall provide sufficient identifying

1 account details so that the municipal official or executive  
2 director can conduct an audit to determine the TNC's compliance  
3 with existing regulations. The audit shall take place at a  
4 mutually agreed location in Missouri.

5 2. Any home rule city with more than four hundred thousand  
6 inhabitants and located in more than one county, and the regional  
7 taxicab commission, may charge each TNC up to five thousand  
8 dollars per year to cover the costs incurred for the review of  
9 the records. The amount collected shall not exceed the costs of  
10 compliance.

11 3. In response to a specific complaint alleging criminal  
12 allegations against any TNC driver or TNC, any home rule city  
13 with more than four hundred thousand inhabitants and located in  
14 more than one county, and the regional taxicab commission, is  
15 authorized to inspect records held by the TNC that are necessary  
16 to investigate and resolve the specific complaint. The TNC and  
17 the investigative agency shall endeavor to have the inspection  
18 take place at a mutually agreed location in Missouri. Any  
19 records furnished may exclude information that would identify  
20 specific drivers or riders, unless the identity of a driver or  
21 rider is relevant to the complaint.

22 4. Any records inspected under this section are designated  
23 confidential, are not subject to disclosure to a third party  
24 without prior written consent of the TNC, and are exempt from  
25 disclosure under chapter 610. Nothing in this section shall be  
26 construed as limiting the applicability of any other exemptions  
27 under chapter 610.

28 5. Any home rule city with more than four hundred thousand

1 inhabitants and located in more than one county, and the regional  
2 taxicab commission, may fine a TNC up to five hundred dollars per  
3 violation discovered during this audit for failure to comply with  
4 the applicable provisions of sections 387.400 to 387.440. Each  
5 TNC shall remit payment of any fine to the department, which  
6 shall also have jurisdiction over appeals of such fines. Nothing  
7 in this provision shall limit the rights of TNCs to seek redress  
8 in a court of law.