

**PROPOSED ORDINANCE FOR TRANSPORTATION NETWORK COMPANIES**

**CHAPTER 222. TRANSPORTATION NETWORK COMPANIES**

**PART 1. GENERAL PROVISIONS**

222.101 DEFINITIONS

*Transportation Network Company (TNC)* shall mean a company that uses a digital network to connect passengers to TNC Operators for the purpose of transportation. A TNC is not a for hire business as defined in 220.102(e).

*Transportation Network Company license (TNC License)* means a license issued to a TNC permitting the operation of approved TNC Operators as set forth in this ordinance.

*Transportation Network Company Operator (TNC Operator)* shall mean an individual who uses the individual's personal vehicle to provide rides for passengers arranged through a TNC platform. A TNC Operator is not a vehicle for hire driver as defined in 220.102(f).

*Transportation Network Company Services (TNC Services)* shall mean the provision of transportation services by a TNC Operator through a TNC that begins when a TNC Operator accepts a ride request and extends until a TNC Operator drops off a passenger.

*Transportation Network Company Vehicle (TNC Vehicle)* shall mean a vehicle that is used by a TNC Operator in connection with a TNC that meets the criteria set forth within this ordinance. A TNC Vehicle is not a vehicle for hire vehicle as defined in 220.102(r).

*The Director* means the Director of the Office of Economic Development.

222.102— TRANSPORTATION NETWORK COMPANIES

All TNCs shall apply for a TNC License with the Director and shall obtain and maintain a TNC License.

Each TNC shall maintain a website that provides a customer service telephone number or email address.

Each TNC shall maintain accurate records of all TNC Operators providing services through the TNC.

Upon completion of a trip, each TNC shall transmit an electronic receipt to the

passenger's email address or mobile application documenting the origination and destination of the trip and the total amount paid, if any.

A TNC may offer TNC Services for fares or rates based on distance travelled and/or time elapsed during service.

The application used by a TNC to connect TNC Operators and passengers must display for the passenger a picture of the TNC Operator, a picture of the TNC Vehicle, and the license plate number to identify the TNC Vehicle.

Each TNC shall establish a driver-training program to ensure that each TNC Operator safely operates his or her TNC Vehicle prior to the TNC Operator being able to offer TNC Services through the TNC.

Each TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a TNC Operator provides TNC Services, provide notice of the zero tolerance policy on its website, as well as the procedures to report a complaint about a TNC Operator with whom the passenger was matched and for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend a TNC Operator upon receipt of a passenger complaint alleging a violation of the zero tolerance policy. The suspension shall last the duration of the investigation.

Prior to permitting a person to act as a TNC Operator on its digital network, a TNC Company shall obtain and review a criminal history research report for such person. The criminal background check will be a national criminal background check including the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror shall not be permitted to be a TNC Operator.

Prior to permitting a person to act as a TNC Operator on its network, each TNC shall obtain and review a driving history research report for such person. Any person with (i) more than three (3) moving violations in the three-year period prior to such check, or (ii) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) shall not be permitted to be a TNC Operator.

## 222.103 TRANSPORTATION NETWORK OPERATORS

No separate license shall be required for TNC Operators that are approved to provide TNC Services though a licensed TNC pursuant to this ordinance nor shall such TNC Operators be subject to the requirements from Chapter 220 Part 3, and instead should be solely subject to this Chapter 222.

Each TNC Operator must pass a criminal history search and a driving history search as described in Section 222.102.

TNC Operators shall:

1. Possess a valid driver's license, proof of motor vehicle insurance, and be at least 21 years of age; and
2. Provide proof of both the TNC Operator's personal insurance and the TNC's commercial liability insurance in the case of an accident; provided, that the TNC Operator shall have 24 hours to provide proof of TNC commercial liability insurance.

A TNC Operator may accept only rides booked through a TNC's digital network and shall not solicit or accept street-hails.

#### 222.104— TRANSPORTATION NETWORK VEHICLES

TNC Vehicles must be street-legal coupes, sedans, or light-duty vehicles including vans, minivans, sport utility vehicles (SUVs) and pickup trucks. Hatchbacks and convertibles are acceptable.

All TNC Vehicles shall have a safety inspection conducted by the TNC or a third party before being used to provide TNC Services. Such inspection shall include the following:

1. Foot brakes;
2. Emergency brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshield wipers;
7. Headlights
8. Tail lights;
9. Turn indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors (open, close, lock);
13. Horn;
14. Speedometer;
15. Bumpers;
16. Muffler and exhaust system;
17. Condition of tires, including tread depth;
18. Interior and exterior rear view mirrors; and
19. Safety belts for driver and passenger(s).

#### 222.105— INSURANCE

Each TNC shall maintain a automobile liability insurance policy that:

- (1) For accidents involving a TNC Operator from the time that a TNC Operator accepts a request for TNC Services until the time that the passenger exits the TNC Operator's vehicle, a TNC or TNC Operator shall maintain a liability insurance policy that:
  - a. Provides primary coverage of at least \$1,000,000 per incident.
  - b. Provides uninsured/underinsured motorist coverage of at least \$1,000,000 per incident.
- (2) For accidents involving a TNC Operator during the time that a TNC Operator is logged onto a TNC's digital network and is available to accept a request for TNC Services but (i) has not yet accepted a request for TNC Services and (ii) is not providing TNC Services, a TNC or TNC Operator shall maintain a liability insurance policy that provides coverage of at least \$50,000 per person, \$100,000 per accident, and \$25,000 for property damage per accident. If this requirement is to be satisfied by the TNC, such coverage may be contingent upon the TNC Operator's personal policy denying coverage for an accident.
- (3) Insurance required by this section may be obtained from an eligible surplus lines insurer with the Florida Office of Insurance Regulation.
- (4) The coverage limits required by this section may be satisfied by the following:
  - a. A commercial liability policy maintained by the TNC;
  - b. A personal automobile liability policy maintained by the TNC Operator that recognizes and covers the TNC Operator's provision of TNC Services; or
  - c. A combination of a policy maintained by the TNC and a policy by the TNC Operator as set forth in set forth in subsections a. and b. above.

#### 222.106— RECORDS RETENTION

Each TNC shall maintain records related to the requirements set forth in this ordinance. If a passenger files a complaint against a TNC or a TNC Operator, the Director shall have the right to inspect the TNC's records solely as necessary to investigate and resolve the complaint. The Director shall have the authority to inspect these records within five (5) business days after making a written request.

## 222.107— CONFIDENTIALITY

Subject to reasonable confidentiality obligations and applicable confidentiality laws, the Director may inspect records to investigate compliance with the requirements of this ordinance; provided, that only the records disclosed to the Director under this paragraph shall be subject to disclosure to a third party pursuant to a request submitted under the Florida Public Records Act or the federal Freedom of Information Act.