

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 781, Page 1, In the Title, Line 3, by  
2 deleting the words "network company insurance" and inserting in lieu thereof the word "companies";  
3 and  
4

5 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

6 "67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight  
7 members, four of whom shall be appointed by the chief executive of the city with approval of the  
8 board of aldermen, and four of whom shall be appointed by the chief executive of the county with  
9 approval of the governing body of the county. Of the eight members first appointed, one city  
10 appointee and one county appointee shall be appointed to a four-year term, two city appointees and  
11 two county appointees shall be appointed to a three-year term, and one city appointee and one county  
12 appointee shall be appointed to a one-year term. Members appointed after the expiration of these  
13 initial terms shall serve a four-year term. The chief executive officer of the city and the chief  
14 executive officer of the county shall alternately appoint a chairperson who shall serve a term of three  
15 years. [The respective chief executive who appoints the members of the commission shall appoint  
16 members to fill unexpired terms resulting from any vacancy of a person appointed by that chief  
17 executive.] All members and the chairperson must reside within the district while serving as a  
18 member. All members shall serve without compensation. [Nothing shall prohibit a representative of  
19 the taxicab industry from being chairperson.

20 2. In making the eight appointments set forth in subsection 1 of this section, the chief  
21 executive officer of the city and the chief executive officer of the county shall collectively select four  
22 representatives of the taxicab industry. Such four representatives of the taxicab industry shall  
23 include at least one from each of the following:

24 (1) An owner or designated assignee of a taxicab company which holds at least one but no  
25 more than one hundred taxicab licenses;

26 (2) An owner or designated assignee of a taxicab company which holds at least one hundred  
27 one taxicab licenses or more;

28 (3) A taxicab driver, excluding any employee or independent contractor of a company  
29 currently represented on the commission.] The remaining five commission members shall be  
30 designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any  
31 such person nor be an individual who has a direct material or financial interest in such industry. [If  
32 any representative of the taxicab industry resigns or is otherwise unable to serve out the term for  
33 which such representative was appointed, a similarly situated representative of the taxicab industry  
34 shall be appointed to complete the specified term.]

35 2. The four representatives of the taxicab industry serving as members of the commission as  
36 of August 28, 2015, shall be removed from the commission. The speaker of the house of

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1 representatives shall appoint two members and the president pro tempore of the senate shall appoint  
 2 two members to serve the remainder of such members' terms. All remaining members of the  
 3 commission serving as of August 28, 2015, shall serve the remainder of their terms and thereafter be  
 4 removed from the commission. Beginning August 28, 2015, as vacancies on the commission occur,  
 5 for whatever reason, the respective chief executive, speaker of the house of representatives, or  
 6 president pro tempore of the senate who appointed such member shall appoint a new member to fill  
 7 such vacancy. No commission member appointed shall be a representative of the taxicab industry or  
 8 be the spouse of any such person nor be an individual who has a direct material or financial interest  
 9 in such industry.

10 67.1808. The regional taxicab commission is empowered to:

11 (1) Develop and implement plans, policies, and programs to improve the quality of taxicab  
 12 service within the district;

13 (2) [Cooperate and collaborate with the hotel and restaurant industry to:

14 (a) Restrict the activities of those doormen employed by hotels and restaurants who accept  
 15 payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in  
 16 obtaining passengers for such taxicab drivers and companies; and

17 (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely  
 18 on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and  
 19 commercial shuttles;

20 (3)] Cooperate and collaborate with other governmental entities, including the government  
 21 of the United States, this state, and political subdivisions of this and other states;

22 [(4)] (3) Cooperate and collaborate with governmental entities whose boundaries adjoin  
 23 those of the district to assure that any taxicab or taxicab company neither licensed by the commission  
 24 nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code  
 25 applicable to taxicabs operating within the district's boundaries;

26 [(5)] (4) Contract with any public or private agency, individual, partnership, association,  
 27 corporation or other entity, consistent with law, for the provision of services necessary to improve  
 28 the quality of taxicab service within the district;

29 [(6)] (5) Accept grants and donations from public or private entities for the purpose of  
 30 improving the quality of taxicab service within the district;

31 [(7)] (6) Execute contracts, sue, and be sued;

32 [(8)] (7) Adopt a taxicab code to license and regulate taxicab companies and individual  
 33 taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of  
 34 such code for the purpose of improving the quality of taxicab service within the district;

35 [(9)] (8) Collect reasonable fees in an amount sufficient to fund the commission's licensing,  
 36 regulatory, inspection, and enforcement functions; except that, fees charged to entities regulated by  
 37 the city or county prior to August 28, 2004, shall not exceed three times those amounts charged by  
 38 such city or county in the first three years of the commission's operation, nor shall said fees exceed  
 39 four times those amounts for the next three years and for subsequent years, the fees may be adjusted  
 40 annually based on the rate of inflation according to the consumer price index. Previously regulated  
 41 entities the class of service of which was regulated by both the city and the county may have fees  
 42 based on the higher of the two fees charged for that class of service;

43 [(10)] (9) Establish accounts with appropriate banking institutions, borrow money, buy, sell,  
 44 or lease property for the necessary functions of the commission; and

45 [(11)] (10) Require taxicabs to display special taxicab license plates as provided in chapter  
 46 301 in order to operate within the district. If the commission revokes the taxicab license the  
 47 commission may confiscate such license plates and return them to the director of revenue pursuant to  
 48 subsection 3 of section 67.1813.

1           67.1809. 1. The regional taxicab commission established under section 67.1804 may  
2 license, supervise, and regulate any person who engages in the business of transporting passengers in  
3 commerce, wholly within the regional taxicab district established in section 67.1802, in any motor  
4 vehicle designed or used to transport not more than eight passengers, including the driver. The  
5 powers granted to the regional taxicab commission under this section shall apply to the motor  
6 vehicles described in this subsection and to the persons owning or operating those vehicles:

7           (1) Whether or not the vehicles are equipped with a taximeter or use a taximeter; and

8           (2) Whether the vehicles are operated by a for-hire motor carrier of passengers or by a  
9 private motor carrier of passengers not for hire or compensation.

10           2. This section shall apply, notwithstanding any provisions of this chapter or of subsection 2  
11 of section 390.126 to the contrary, except that the vehicles described in subsection 1 of this section,  
12 and the operators of such vehicles, shall be licensed, supervised, and regulated by the state highways  
13 and transportation commission, as provided under section 226.008, instead of the regional taxicab  
14 commission, whenever:

15           (1) Such motor vehicles transport passengers within the district in interstate commerce, and  
16 those interstate operations are subject to the powers of the state highways and transportation  
17 commission under section 226.008;

18           (2) Such motor vehicles are operated exclusively by a not-for-profit corporation or  
19 governmental entity, whose passenger transportation within the regional taxicab district is  
20 subsidized, wholly or in part, with public transit funding provided by the state highways and  
21 transportation commission, the Federal Transit Administration, or both;

22           (3) Such vehicles transport one or more passengers on the public highways in a continuous  
23 journey from a place of origin within the regional taxicab district to a destination outside the district,  
24 or from a place of origin outside the district to a destination within the district, either with or without  
25 a return trip to the point of origin. Such continuous transportation of passengers between points  
26 within and without the district is subject to regulation by the state highways and transportation  
27 commission, even if the journey includes temporary stops at one or more intermediate destinations  
28 within the boundaries of the district.

29           3. The provisions of subdivision (3) of subsection 2 of this section shall not limit the powers  
30 of the regional taxicab commission under this section to license, supervise, and regulate the  
31 transportation of any passenger whose journey by motor vehicle takes place wholly within the  
32 regional taxicab district, even if transported on the same vehicle with other passengers whose  
33 transportation, both within and without the boundaries of the district, is subject to the exclusive  
34 powers of the state highways and transportation commission. A motor carrier or driver who  
35 transports passengers subject to the powers of the regional taxicab commission, under subsection 1  
36 of this section, on the same vehicle with passengers whose transportation is subject to the powers of  
37 the state highways and transportation commission, under subsection 2 of this section, shall comply  
38 with all applicable requirements of the regional taxicab commission and with all applicable  
39 requirements of the state highways and transportation commission.

40           4. No provision within this chapter shall be interpreted or construed as limiting the powers of  
41 the state highways and transportation commission and its enforcement personnel, the state highway  
42 patrol and its officers and personnel, or any other law enforcement officers or peace officers to  
43 enforce any safety requirements or hazardous materials regulations made applicable by law to the  
44 motor vehicles, drivers, or persons that own or operate any motor vehicles described in this section.

45           5. Every individual person, partnership, or corporation subject to licensing, regulation, and  
46 supervision by the regional taxicab commission under this section, with reference to any  
47 transportation of passengers by a motor vehicle previously authorized by a certificate or permit  
48 issued by the state highways and transportation commission under section 390.051 or 390.061,

1 which certificate or permit was in active status and not suspended or revoked on August 27, 2005,  
 2 according to the records of the state highways and transportation commission, is hereby deemed to  
 3 be licensed, permitted, and authorized by the regional taxicab commission, and the vehicles and  
 4 drivers used by such motor carriers are hereby deemed to be licensed, permitted, and authorized by  
 5 the regional taxicab commission to operate and engage in the transportation of passengers within the  
 6 regional taxicab district, to the same extent as they formerly were licensed, permitted, and authorized  
 7 by the highways and transportation commission on August 27, 2005. Such motor carriers, drivers,  
 8 and vehicles shall be exempted from applying for any license, certificate, permit, or other credential  
 9 issued or required by the regional taxicab commission under sections 67.1800 to 67.1822, except that  
 10 the regional taxicab commission may, after December 31, 2005, require such motor carriers and  
 11 drivers to apply and pay the regular fees for annual renewals of such licenses, permits, certificates, or  
 12 other credentials under uniform requirements applicable to all motor carriers, vehicles, and drivers  
 13 operating within the regional taxicab district.

14 6. The regional taxicab commission shall not adopt by regulation or rule any provision more  
 15 restrictive on a transportation network company than the requirements as set forth in sections  
 16 387.415 to 387.495."; and

17  
 18 Further amend said bill, Page 1, Section 379.1700, Line 1, by inserting after the number "379.1706"  
 19 the phrase, "and sections 387.415 to 387.495"; and

20  
 21 Further amend said bill, page, and section, Line 9, by inserting immediately after the word "vehicle"  
 22 the words "under sections 67.1800 to 67.1822 and chapter 390"; and

23  
 24 Further amend said bill, page and section, Line 15, by inserting after all of said line the following:  
 25 "(4) "Regional taxicab commission" or "RTC", a commission established under the  
 26 provisions of sections 67.1800 to 67.1822;"; and

27  
 28 Further amend said section by renumbering accordingly; and

29  
 30 Further amend said bill, page and section, Line 16, by inserting immediately after the word  
 31 "company" the phrase "or "TNC""; and

32  
 33 Further amend said page and section, Line 17, by deleting the word, "licensed" and inserting in lieu  
 34 thereof the following:

35  
 36 "permitted by a political subdivision or RTC under sections 387.415 to 387.495"; and

37  
 38 Further amend said section, Page 2, Line 23, by inserting immediately after the word "who" the  
 39 phrase "meets the requirements of sections 387.415 to 387.495 and who"; and

40  
 41 Further amend said page and section, Line 34, by deleting all of said line and inserting in lieu there  
 42 to the following:

43  
 44 "personal vehicle between points chosen by the rider;

45 (8) "Transportation network company services", transportation of a rider between points  
 46 chosen by the rider and prearranged with a TNC driver through the use of a TNC digital network or  
 47 software application. TNC services shall begin when a TNC driver accepts a request for  
 48 transportation received through the TNC's digital network or software application service, continue

1 while the TNC driver transports the rider in the TNC driver's vehicle, and end when the rider exits  
 2 the TNC driver's vehicle. TNC service is not taxicab, for-hire vehicle, or street hail service."; and  
 3

4 Further amend said bill and page, Section 379.1702, Lines 17 through 19, by deleting all of said  
 5 lines; and  
 6

7 Further amend said bill and section, Page 3, by renumbering remaining subdivisions accordingly;  
 8 and  
 9

10 Further amend said bill, page, and section, Lines 32 through 34, by deleting all of said lines; and  
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12 Further amend said bill, page, and section, by renumbering remaining subdivisions accordingly; and  
 13

14 Further amend said bill and page, Section 379.1706, Line 1, by inserting after the word, "exclude"  
 15 the words, "or limit"; and  
 16

17 Further amend said bill and section, Page 5, Line 38, by deleting the words, "directly involved  
 18 parties" and insert in lieu thereof the words, "each other"; and  
 19

20 Further amend said bill, page, and section, Line 44, by inserting immediately after all of said line the  
 21 following:  
 22

23 "387.415. TNCs or TNC drivers are not common carriers, contract carriers, or motor  
 24 carriers, as defined in section 390.020, nor do they provide taxicab or for-hire vehicle service under  
 25 sections 67.1800 to 67.1822 and chapter 390. In addition, a TNC driver shall not be required to  
 26 register the vehicle such driver uses to provide TNC services as a commercial or for-hire vehicle.  
 27

28 387.420. 1. No TNC driver shall operate in a political subdivision or RTC without the TNC  
 29 having first obtained a permit from the political subdivision or RTC if such permit is required.

30 2. The political subdivision or RTC shall not deny issuance of a permit to each TNC  
 31 applicant that meets the requirements for a TNC as set forth in sections 387.415 to 387.495 and pays  
 32 an annual permit fee of one percent of gross fares collected by the TNC in relationship to  
 33 prearranged rides originating in the political subdivision. The permit fee shall not exceed one  
 34 hundred fifty dollars per TNC driver for such prearranged rides that originate in the political  
 35 subdivision or RTC.

36 3. No political subdivision or RTC shall adopt by ordinance, regulation, or rule any  
 37 provisions more restrictive on a TNC than the requirements as set forth in sections 387.415 to  
 38 387.495.

39 4. Any TNC denied a permit in any jurisdiction or aggrieved by any decision of a political  
 40 subdivision or the RTC shall be entitled to a trial de novo in the circuit court of the county or city of  
 41 the jurisdiction where the denial occurred.

42 387.425. A TNC shall maintain an agent for service of process in the state of Missouri.

43 387.430. A TNC may charge a fare for the services provided to riders; provided that, if a fare  
 44 is charged, the TNC shall disclose to riders the fare calculation method on its website or within the  
 45 software application service. The TNC shall also provide riders with the applicable rates being  
 46 charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

47 387.440. Within a reasonable period of time following the completion of a trip, a TNC shall  
 48 transmit an electronic receipt to the rider that lists:

(1) The origin and destination of the trip;

1 (2) The total time and distance of the trip; and

2 (3) An itemization of the total fare paid, if any.

3 387.460. 1. Prior to permitting an individual to act as a TNC driver on its digital platform,  
4 the TNC shall:

5 (1) Require the individual to submit an application to the TNC, which includes information  
6 regarding his or her address, age, driver's license, driving history, motor vehicle registration,  
7 automobile liability insurance, and other information required by the TNC;

8 (2) Be in possession of a current criminal background check for the individual, including a  
9 fingerprint check as set out in section 67.1819 for an initial application, performed by:

10 (a) The Missouri State Highway Patrol; or

11 (b) A nationally accredited third-party background check provider; and

12 (3) Be in possession of and require an applicant to provide a Missouri department of revenue  
13 driver's record report no older than ten days or, if the TNC driver is not a resident of Missouri, an  
14 abstract of a driving record from his or her home state.

15 2. No TNC shall permit an individual to act as a TNC driver on its digital platform who has  
16 been convicted of, pled guilty to, or been proven guilty and received a suspended imposition of  
17 sentence for any one of the following:

18 (1) A felony violation of any state or federal statute or law involving any crime against  
19 persons including, but not limited to, all forms of assault within ten years of release from prison for  
20 said felony conviction;

21 (2) A felony violation of any state or federal statute or law of any crime involving moral  
22 turpitude within ten years of the application or within ten years of release from prison for said felony  
23 conviction;

24 (3) Driving while his or her Missouri driver's license was suspended or revoked within five  
25 years of the date of application;

26 (4) Driving while intoxicated or some other drug or alcohol-related traffic offense within  
27 five years of the application;

28 (5) Does not possess a valid driver's license;

29 (6) Does not possess proof of registration for the motor vehicle used to provide TNC  
30 services;

31 (7) Does not possess proof of automobile liability insurance for the motor vehicle used to  
32 provide TNC services as required in sections 303.026 and 379.1702;

33 (8) Is not at least eighteen years of age; or

34 (9) The TNC determines the applicant may pose a risk or danger to the traveling public  
35 because of known criminal or driving activity.

36 387.465 The TNC shall require that any motor vehicle that a TNC driver will use to provide  
37 TNC services shall be subject to safety inspections as required in chapter 307. The TNC driver shall  
38 provide a certificate of inspection to the TNC each time a safety inspection is completed. The TNC  
39 shall retain such records until a new certificate of inspection is provided but for a period of no longer  
40 than five years.

41 387.470. A TNC driver shall exclusively accept rides booked through a TNC's digital  
42 network or software application service and shall not solicit or accept street hails.

43 387.475. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash  
44 payments from riders and notify TNC drivers of such policy. TNC drivers shall not solicit or accept  
45 cash payments from riders. Any payment for TNC services shall be made only electronically using  
46 the TNC's digital network or software application.

47 387.480. 1. TNC drivers shall comply with all applicable laws regarding nondiscrimination  
48 against riders or potential riders.

1           2. TNC drivers shall comply with all applicable laws relating to accommodation of service  
2 animals.

3           3. No TNC shall impose additional charges for providing services to persons with physical  
4 disabilities because of those disabilities.

5           4. A TNC shall provide riders an opportunity to indicate whether they require a  
6 wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any  
7 instance, it shall direct the rider to an alternate provider of wheelchair-accessible service, if available.

8           387.485. A TNC shall maintain:

9           (1) Individual trip records for at least one year from the date each trip was provided; and

10           (2) TNC driver records at least until the one-year anniversary of the date on which a TNC  
11 driver's activation on the TNC digital network has ended.

12           387.490. A TNC shall not disclose a rider's personally identifiable information to a third  
13 party unless:

14           (1) The rider consents;

15           (2) Disclosure is required by a legal obligation; or

16           (3) Disclosure is required to protect or defend the terms of use of the service or to investigate  
17 violations of those terms.

18  
19 In addition to the foregoing, a TNC shall be permitted to share a rider's name or telephone number  
20 with the TNC driver providing TNC services to such rider in order to facilitate correct identification  
21 of the rider by the TNC driver, or to facilitate communication between the rider and the TNC driver.

22           387.495. Notwithstanding any other provision of law, TNCs and TNC drivers shall be  
23 governed exclusively by sections 379.1700 to 379.1706 and sections 387.415 to 387.495 and any  
24 rules promulgated by a political subdivision or RTC consistent with sections 379.1700 to 379.1706  
25 and sections 387.415 to 387.495."; and

26  
27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.

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