

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Transportation Network Providers Act is
5 amended by adding Section 33 as follows:

6 (625 ILCS 57/33 new)

7 Sec. 33. Continuation of Act; validation.

8 (a) The General Assembly finds and declares that:

9 (1) Public Act 101-639, which took effect on June 12,
10 2020, changed the repeal date set for the Transportation
11 Network Providers Act from June 1, 2020 to June 1, 2021.

12 (2) The Statute on Statutes sets forth general rules on
13 the repeal of statutes and the construction of multiple
14 amendments, but Section 1 of that Act also states that
15 these rules will not be observed when the result would be
16 "inconsistent with the manifest intent of the General
17 Assembly or repugnant to the context of the statute".

18 (3) This amendatory Act of the 101st General Assembly
19 manifests the intention of the General Assembly to extend
20 the repeal of the Transportation Network Providers Act and
21 have the Transportation Network Providers Act continue in
22 effect until June 1, 2021.

23 (4) The Transportation Network Providers Act was

1 originally enacted to protect, promote, and preserve the
2 general welfare. Any construction of this Act that results
3 in the repeal of this Act on June 1, 2020 would be
4 inconsistent with the manifest intent of the General
5 Assembly and repugnant to the context of the Transportation
6 Network Providers Act.

7 (b) It is hereby declared to have been the intent of the
8 General Assembly that the Transportation Network Providers Act
9 not be subject to repeal on June 1, 2020.

10 (c) The Transportation Network Providers Act shall be
11 deemed to have been in continuous effect since June 1, 2015
12 (the effective date of Public Act 98-1173), and it shall
13 continue to be in effect until it is otherwise lawfully
14 repealed. All previously enacted amendments to the Act taking
15 effect on or after June 1, 2020, are hereby validated.

16 (d) All actions taken in reliance on or pursuant to the
17 Transportation Network Providers Act by any person or entity
18 are hereby validated.

19 (e) In order to ensure the continuing effectiveness of the
20 Transportation Network Providers Act, it is set forth in full
21 and reenacted by this amendatory Act of the 101st General
22 Assembly. Striking and underscoring are used only to show
23 changes being made to the base text. This reenactment is
24 intended as a continuation of the Act. It is not intended to
25 supersede any amendment to the Act that is enacted by the 101st
26 General Assembly.

1 (f) The Transportation Network Providers Act applies to all
2 claims, civil actions, and proceedings pending on or filed on
3 or before the effective date of this amendatory Act of the
4 101st General Assembly.

5 Section 15. The Transportation Network Providers Act is
6 reenacted as follows:

7 (625 ILCS 57/Act title)
8 An Act concerning regulation.

9 (625 ILCS 57/1)

10 Sec. 1. Short title. This Act may be cited as the
11 Transportation Network Providers Act.
12 (Source: P.A. 98-1173, eff. 6-1-15.)

13 (625 ILCS 57/5)

14 Sec. 5. Definitions.

15 "Transportation network company" or "TNC" means an entity
16 operating in this State that uses a digital network or software
17 application service to connect passengers to transportation
18 network company services provided by transportation network
19 company drivers. A TNC is not deemed to own, control, operate,
20 or manage the vehicles used by TNC drivers, and is not a
21 taxicab association or a for-hire vehicle owner.

22 "Transportation network company driver" or "TNC driver"

1 means an individual who operates a motor vehicle that is:

2 (1) owned, leased, or otherwise authorized for use by
3 the individual;

4 (2) not a taxicab or for-hire public passenger vehicle;
5 and

6 (3) used to provide transportation network company
7 services.

8 "Transportation network company services" or "TNC
9 services" means transportation of a passenger between points
10 chosen by the passenger and prearranged with a TNC driver
11 through the use of a TNC digital network or software
12 application. TNC services shall begin when a TNC driver accepts
13 a request for transportation received through the TNC's digital
14 network or software application service, continue while the TNC
15 driver transports the passenger in the TNC driver's vehicle,
16 and end when the passenger exits the TNC driver's vehicle. TNC
17 service is not a taxicab, for-hire vehicle, or street hail
18 service.

19 (Source: P.A. 98-1173, eff. 6-1-15.)

20 (625 ILCS 57/10)

21 Sec. 10. Insurance.

22 (a) Transportation network companies and participating TNC
23 drivers shall comply with the automobile liability insurance
24 requirements of this Section as required.

25 (b) The following automobile liability insurance

1 requirements shall apply from the moment a participating TNC
2 driver logs on to the transportation network company's digital
3 network or software application until the TNC driver accepts a
4 request to transport a passenger, and from the moment the TNC
5 driver completes the transaction on the digital network or
6 software application or the ride is complete, whichever is
7 later, until the TNC driver either accepts another ride request
8 on the digital network or software application or logs off the
9 digital network or software application:

10 (1) Automobile liability insurance shall be in the
11 amount of at least \$50,000 for death and personal injury
12 per person, \$100,000 for death and personal injury per
13 incident, and \$25,000 for property damage.

14 (2) Contingent automobile liability insurance in the
15 amounts required in paragraph (1) of this subsection (b)
16 shall be maintained by a transportation network company and
17 provide coverage in the event a participating TNC driver's
18 own automobile liability policy excludes coverage
19 according to its policy terms or does not provide at least
20 the limits of coverage required in paragraph (1) of this
21 subsection (b).

22 (c) The following automobile liability insurance
23 requirements shall apply from the moment a TNC driver accepts a
24 ride request on the transportation network company's digital
25 network or software application until the TNC driver completes
26 the transaction on the digital network or software application

1 or until the ride is complete, whichever is later:

2 (1) Automobile liability insurance shall be primary
3 and in the amount of \$1,000,000 for death, personal injury,
4 and property damage. The requirements for the coverage
5 required by this paragraph (1) may be satisfied by any of
6 the following:

7 (A) automobile liability insurance maintained by a
8 participating TNC driver;

9 (B) automobile liability company insurance
10 maintained by a transportation network company; or

11 (C) any combination of subparagraphs (A) and (B).

12 (2) Insurance coverage provided under this subsection
13 (c) shall also provide for uninsured motorist coverage and
14 underinsured motorist coverage in the amount of \$50,000
15 from the moment a passenger enters the vehicle of a
16 participating TNC driver until the passenger exits the
17 vehicle.

18 (3) The insurer, in the case of insurance coverage
19 provided under this subsection (c), shall have the duty to
20 defend and indemnify the insured.

21 (4) Coverage under an automobile liability insurance
22 policy required under this subsection (c) shall not be
23 dependent on a personal automobile insurance policy first
24 denying a claim nor shall a personal automobile insurance
25 policy be required to first deny a claim.

26 (d) In every instance when automobile liability insurance

1 maintained by a participating TNC driver to fulfill the
2 insurance obligations of this Section has lapsed or ceased to
3 exist, the transportation network company shall provide the
4 coverage required by this Section beginning with the first
5 dollar of a claim.

6 (e) This Section shall not limit the liability of a
7 transportation network company arising out of an automobile
8 accident involving a participating TNC driver in any action for
9 damages against a transportation network company for an amount
10 above the required insurance coverage.

11 (f) The transportation network company shall disclose in
12 writing to TNC drivers, as part of its agreement with those TNC
13 drivers, the following:

14 (1) the insurance coverage and limits of liability that
15 the transportation network company provides while the TNC
16 driver uses a vehicle in connection with a transportation
17 network company's digital network or software application;
18 and

19 (2) that the TNC driver's own insurance policy may not
20 provide coverage while the TNC driver uses a vehicle in
21 connection with a transportation network company digital
22 network depending on its terms.

23 (g) An insurance policy required by this Section may be
24 placed with an admitted Illinois insurer, or with an authorized
25 surplus line insurer under Section 445 of the Illinois
26 Insurance Code; and is not subject to any restriction or

1 limitation on the issuance of a policy contained in Section
2 445a of the Illinois Insurance Code.

3 (h) Any insurance policy required by this Section shall
4 satisfy the financial responsibility requirement for a motor
5 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
6 Code.

7 (i) If a transportation network company's insurer makes a
8 payment for a claim covered under comprehensive coverage or
9 collision coverage, the transportation network company shall
10 cause its insurer to issue the payment directly to the business
11 repairing the vehicle, or jointly to the owner of the vehicle
12 and the primary lienholder on the covered vehicle.

13 (Source: P.A. 98-1173, eff. 6-1-15; 99-56, eff. 7-16-15.)

14 (625 ILCS 57/15)

15 Sec. 15. Driver requirements.

16 (a) Prior to permitting an individual to act as a TNC
17 driver on its digital platform, the TNC shall:

18 (1) require the individual to submit an application to
19 the TNC or a third party on behalf of the TNC, which
20 includes information regarding his or her full legal name,
21 social security number, address, age, date of birth,
22 driver's license, driving history, motor vehicle
23 registration, automobile liability insurance, and other
24 information required by the TNC;

25 (2) conduct, or have a third party conduct, a local and

1 national criminal history background check for each
2 individual applicant that shall include:

3 (A) Multi-State or Multi-Jurisdictional Criminal
4 Records Locator or other similar commercial nationwide
5 database with validation (primary source search); and

6 (B) National Sex Offenders Registry database; and

7 (3) obtain and review a driving history research report
8 for the individual.

9 (b) The TNC shall not permit an individual to act as a TNC
10 driver on its digital platform who:

11 (1) has had more than 3 moving violations in the prior
12 three-year period, or one major violation in the prior
13 three-year period including, but not limited to,
14 attempting to evade the police, reckless driving, or
15 driving on a suspended or revoked license;

16 (2) has been convicted, within the past 7 years, of
17 driving under the influence of drugs or alcohol, fraud,
18 sexual offenses, use of a motor vehicle to commit a felony,
19 a crime involving property damage, or theft, acts of
20 violence, or acts of terror;

21 (3) is a match in the National Sex Offenders Registry
22 database;

23 (4) does not possess a valid driver's license;

24 (5) does not possess proof of registration for the
25 motor vehicle used to provide TNC services;

26 (6) does not possess proof of automobile liability

1 insurance for the motor vehicle used to provide TNC
2 services; or

3 (7) is under 19 years of age.

4 (c) An individual who submits an application under
5 paragraph (1) of subsection (a) that contains false or
6 incomplete information shall be guilty of a petty offense.

7 (Source: P.A. 100-738, eff. 8-7-18.)

8 (625 ILCS 57/20)

9 Sec. 20. Non-discrimination.

10 (a) The TNC shall adopt and notify TNC drivers of a policy
11 of non-discrimination on the basis of destination, race, color,
12 national origin, religious belief or affiliation, sex,
13 disability, age, sexual orientation, or gender identity with
14 respect to passengers and potential passengers.

15 (b) TNC drivers shall comply with all applicable laws
16 regarding non-discrimination against passengers or potential
17 passengers on the basis of destination, race, color, national
18 origin, religious belief or affiliation, sex, disability, age,
19 sexual orientation, or gender identity.

20 (c) TNC drivers shall comply with all applicable laws
21 relating to accommodation of service animals.

22 (d) A TNC shall not impose additional charges for providing
23 services to persons with physical disabilities because of those
24 disabilities.

25 (e) A TNC shall provide passengers an opportunity to

1 indicate whether they require a wheelchair accessible vehicle.
2 If a TNC cannot arrange wheelchair-accessible TNC service in
3 any instance, it shall direct the passenger to an alternate
4 provider of wheelchair-accessible service, if available.

5 (f) If a unit of local government has requirements for
6 licensed chauffeurs not to discriminate in providing service in
7 under-served areas, TNC drivers participating in TNC services
8 within that unit of local government shall be subject to the
9 same non-discrimination requirements for providing service in
10 under-served areas.

11 (Source: P.A. 98-1173, eff. 6-1-15.)

12 (625 ILCS 57/25)

13 Sec. 25. Safety.

14 (a) The TNC shall implement a zero tolerance policy on the
15 use of drugs or alcohol while a TNC driver is providing TNC
16 services or is logged into the TNC's digital network but is not
17 providing TNC services.

18 (b) The TNC shall provide notice of the zero tolerance
19 policy on its website, as well as procedures to report a
20 complaint about a driver with whom a passenger was matched and
21 whom the passenger reasonably suspects was under the influence
22 of drugs or alcohol during the course of the trip.

23 (c) Upon receipt of a passenger's complaint alleging a
24 violation of the zero tolerance policy, the TNC shall
25 immediately suspend the TNC driver's access to the TNC's

1 digital platform, and shall conduct an investigation into the
2 reported incident. The suspension shall last the duration of
3 the investigation.

4 (d) The TNC shall require that any motor vehicle that a TNC
5 driver will use to provide TNC services meets vehicle safety
6 and emissions requirements for a private motor vehicle in this
7 State.

8 (e) TNCs or TNC drivers are not common carriers, contract
9 carriers or motor carriers, as defined by applicable State law,
10 nor do they provide taxicab or for-hire vehicle service.

11 (Source: P.A. 98-1173, eff. 6-1-15.)

12 (625 ILCS 57/30)

13 Sec. 30. Operational.

14 (a) A TNC may charge a fare for the services provided to
15 passengers; provided that, if a fare is charged, the TNC shall
16 disclose to passengers the fare calculation method on its
17 website or within the software application service.

18 (b) The TNC shall provide passengers with the applicable
19 rates being charged and the option to receive an estimated fare
20 before the passenger enters the TNC driver's vehicle.

21 (c) The TNC's software application or website shall display
22 a picture of the TNC driver, and the license plate number of
23 the motor vehicle utilized for providing the TNC service before
24 the passenger enters the TNC driver's vehicle.

25 (d) Within a reasonable period of time following the

1 completion of a trip, a TNC shall transmit an electronic
2 receipt to the passenger that lists:

- 3 (1) the origin and destination of the trip;
4 (2) the total time and distance of the trip; and
5 (3) an itemization of the total fare paid, if any.

6 (e) Dispatches for TNC services shall be made only to
7 eligible TNC drivers under Section 15 of this Act who are
8 properly licensed under State law and local ordinances
9 addressing these drivers if applicable.

10 (f) A taxicab may accept a request for transportation
11 received through a TNC's digital network or software
12 application service, and may charge a fare for those services
13 that is similar to those charged by a TNC.

14 (Source: P.A. 98-1173, eff. 6-1-15.)

15 (625 ILCS 57/32)

16 Sec. 32. Preemption. A unit of local government, whether or
17 not it is a home rule unit, may not regulate transportation
18 network companies, transportation network company drivers, or
19 transportation network company services in a manner that is
20 less restrictive than the regulation by the State under this
21 Act. This Section is a limitation under subsection (i) of
22 Section 6 of Article VII of the Illinois Constitution on the
23 concurrent exercise by home rule units of powers and functions
24 exercised by the State.

25 (Source: P.A. 99-56, eff. 7-16-15.)

1 (625 ILCS 57/34)

2 Sec. 34. Repeal. This Act is repealed on June 1, 2021.

3 (Source: P.A. 101-639, eff. 6-12-20.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.