



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 2774

2 AMENDMENT NO. _____. Amend Senate Bill 2774 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Transportation Network Providers Act.

6 Section 5. Definitions.

7 "Transportation network company" or "TNC" means an entity
8 operating in this State that uses a digital network or software
9 application service to connect passengers to transportation
10 network company services provided by transportation network
11 company drivers. A TNC is not deemed to own, control, operate,
12 or manage the vehicles used by TNC drivers, and is not a
13 taxicab association or a for-hire vehicle owner.

14 "Transportation network company driver" or "TNC driver"
15 means an individual who operates a motor vehicle that is:

16 (1) owned, leased, or otherwise authorized for use by

1 the individual;

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

3 and

4 (3) used to provide transportation network company
5 services.

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

17 Section 10. Insurance.

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

21 (b) The following automobile liability insurance
22 requirements shall apply from the moment a participating TNC
23 driver logs on to the transportation network company's digital
24 network or software application until the TNC driver accepts a
25 request to transport a passenger, and from the moment the TNC

1 driver completes the transaction on the digital network or
2 software application or the ride is complete, whichever is
3 later, until the TNC driver either accepts another ride request
4 on the digital network or software application or logs off the
5 digital network or software application:

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

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

18 (c) The following automobile liability insurance
19 requirements shall apply from the moment a TNC driver accepts a
20 ride request on the transportation network company's digital
21 network or software application until the TNC driver completes
22 the transaction on the digital network or software application
23 or until the ride is complete, whichever is later:

24 (1) Automobile liability insurance shall be primary
25 and in the amount of \$1,000,000 for death, personal injury,
26 and property damage. The requirements for the coverage

1 required by this paragraph (1) may be satisfied by any of
2 the following:

3 (A) automobile liability insurance maintained by a
4 participating TNC driver;

5 (B) automobile liability company insurance
6 maintained by a transportation network company; or

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

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

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

17 (4) Coverage under an automobile liability insurance
18 policy required under this subsection (c) shall not be
19 dependent on a personal automobile insurance policy first
20 denying a claim nor shall a personal automobile insurance
21 policy be required to first deny a claim.

22 (d) In every instance when automobile liability insurance
23 maintained by a participating TNC driver to fulfill the
24 insurance obligations of this Section has lapsed or ceased to
25 exist, the transportation network company shall provide the
26 coverage required by this Section beginning with the first

1 dollar of a claim.

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

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

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

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

19 (g) An insurance policy required by this Section may be
20 placed with an admitted Illinois insurer, or with an authorized
21 surplus line insurer under Section 445 of the Illinois
22 Insurance Code; and is not subject to any restriction or
23 limitation on the issuance of a policy contained in Section
24 445a of the Illinois Insurance Code.

25 (h) Any insurance policy required by this Section shall
26 satisfy the financial responsibility requirement for a motor

1 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
2 Code.

3 Section 15. Driver requirements.

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

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

11 (2) conduct or have a third party conduct, a local and
12 national criminal history background check for each
13 individual applicant that shall include:

14 (A) Multi-State or Multi-Jurisdictional Criminal
15 Records Locator or other similar commercial nationwide
16 database with validation (primary source search); and

17 (B) National Sex Offenders Registry database; and

18 (3) obtain and review a driving history research report
19 for the individual.

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

22 (1) has had more than 3 moving violations in the prior
23 three-year period, or one major violation in the prior
24 three-year period including, but not limited to,
25 attempting to evade the police, reckless driving, or

1 driving on a suspended or revoked license;

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

7 (3) is a match in the National Sex Offenders Registry
8 database;

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

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

12 (6) does not possess proof of automobile liability
13 insurance for the motor vehicle used to provide TNC
14 services; or

15 (7) is under 19 years of age.

16 Section 20. Non-discrimination.

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

22 (b) TNC drivers shall comply with all applicable laws
23 regarding non-discrimination against passengers or potential
24 passengers on the basis of destination, race, color, national
25 origin, religious belief or affiliation, sex, disability, age,

1 sexual orientation, or gender identity.

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

4 (d) A TNC shall not impose additional charges for providing
5 services to persons with physical disabilities because of those
6 disabilities.

7 (e) A TNC shall provide passengers an opportunity to
8 indicate whether they require a wheelchair accessible vehicle.
9 If a TNC cannot arrange wheelchair-accessible TNC service in
10 any instance, it shall direct the passenger to an alternate
11 provider of wheelchair-accessible service, if available.

12 (f) If a unit of local government has requirements for
13 licensed chauffeurs not to discriminate in providing service in
14 under-served areas, TNC drivers participating in TNC services
15 within that unit of local government shall be subject to the
16 same non-discrimination requirements for providing service in
17 under-served areas.

18 Section 25. Safety.

19 (a) The TNC shall implement a zero tolerance policy on the
20 use of drugs or alcohol while a TNC driver is providing TNC
21 services or is logged into the TNC's digital network but is not
22 providing TNC services.

23 (b) The TNC and shall provide notice of the zero tolerance
24 policy on its website, as well as procedures to report a
25 complaint about a driver with whom a passenger was matched and

1 whom the passenger reasonably suspects was under the influence
2 of drugs or alcohol during the course of the trip.

3 (c) Upon receipt of a passenger's complaint alleging a
4 violation of the zero tolerance policy, the TNC shall
5 immediately suspend the TNC driver's access to the TNC's
6 digital platform, and shall conduct an investigation into the
7 reported incident. The suspension shall last the duration of
8 the investigation.

9 (d) The TNC shall require that any motor vehicle that a TNC
10 driver will use to provide TNC Services meets vehicle safety
11 and emissions requirements for a private motor vehicle in this
12 State.

13 (e) TNCs or TNC drivers are not common carriers, contract
14 carriers or motor carriers, as defined by applicable state law,
15 nor do they provide taxicab or for-hire vehicle service.

16 Section 30. Operational.

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

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

24 (c) The TNC's software application or website shall display
25 a picture of the TNC driver, and the license plate number of

1 the motor vehicle utilized for providing the TNC service before
2 the passenger enters the TNC driver's vehicle.

3 (d) Within a reasonable period of time following the
4 completion of a trip, a TNC shall transmit an electronic
5 receipt to the passenger that lists:

6 (1) the origin and destination of the trip;

7 (2) the total time and distance of the trip; and

8 (3) an itemization of the total fare paid, if any.

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

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

17 Section 35. The Ridesharing Arrangements Act is amended by
18 changing Section 2 as follows:

19 (625 ILCS 30/2) (from Ch. 95 1/2, par. 902)

20 Sec. 2. (a) "Ridesharing arrangement" means the
21 transportation by motor vehicle of not more than 16 persons
22 (including the driver):

23 (1) for purposes incidental to another purpose of the
24 driver, for which no fee is charged or paid except to reimburse

1 the driver or owner of the vehicle for his operating expenses
2 on a nonprofit basis; or

3 (2) when such persons are travelling between their homes
4 and their places of employment, or places reasonably convenient
5 thereto, for which (i) no fee is charged or paid except to
6 reimburse the driver or owner of the vehicle for his operating
7 expenses on a nonprofit basis, or (ii) a fee is charged in
8 accordance with the provisions of Section 6 of this Act.

9 (b) "For-profit ridesharing arrangement" means a
10 ridesharing arrangement for which a fee is charged in
11 accordance with Section 6 of this Act, and does not include
12 transportation network company services under the
13 Transportation Network Providers Act.

14 (Source: P.A. 83-1091.)".