

HOUSE No. 3702

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran and Linda Dorcena Forry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to passenger safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>7/20/2015</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>7/22/2015</i>

HOUSE No. 3702

By Representative Moran of Boston and Senator Forry, a joint petition (subject to Joint Rule 12) of Michael J. Moran and Linda Dorcena Forry relative to further regulating transportation network livery companies and drivers providing prearranged for-hire ride services for compensation using mobile applications to connect passengers with drivers. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to passenger safety.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith establish a framework to oversee transportation network companies that establishes safety and consumer protections, a framework which is immediately needed for public safety and marketplace fairness, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 172 of chapter 6 of the General Laws, as amended
2 by section 3 of chapter 10 of the acts of 2015, is hereby amended by inserting after clause (32)
3 the following clauses:

4 (33) A municipal licensing authority with jurisdiction over livery licensure shall have
5 access to all available criminal offender record information to determine the suitability of any
6 applicant for livery licensure.

7 (34)The department of public utilities shall have access to all available criminal offender
8 record information to determine the suitability of an applicant for a motor bus driver certificate

9 pursuant to section 9 of chapter 159A or to determine the suitability of an applicant to become a
10 transportation network driver pursuant to section 11G of chapter 159A.

11 SECTION 2. Chapter 25 of the General Laws is hereby amended by inserting after
12 section 18A the following section:–

13 SECTION 18B. The department may make an assessment against each transportation
14 network company under the jurisdiction of the department pursuant this act. Each transportation
15 network company shall, annually, report by March 31 its intrastate operating revenues for the
16 previous calendar year to the department. Any assessment shall be apportioned according to each
17 transportation network company’s intrastate operating revenues as shall be determined and
18 certified annually by the department as sufficient to reimburse the Commonwealth for funds
19 expended for the oversight of transportation network companies. If a transportation network
20 company fails to report its intrastate operating revenues to the department, the department shall
21 be permitted to estimate the company’s intrastate operating revenues for purposes of
22 apportioning the assessment or, at the discretion of the department, constitute cause to suspend or
23 revoke a transportation network company’s permit.

24 Each transportation network company shall pay the amount assessed against it within 30
25 days after receipt of the notice of assessment from the department. The failure to pay the amount
26 assessed within that timeline may, at the discretion of the department, constitute cause to suspend
27 or revoke a transportation network company’s permit pursuant to section 11F of chapter 159A.

28 Any funds unexpended in any fiscal year for the purpose for which such assessments
29 were made shall be credited against the assessment to be made the following fiscal year and the
30 assessment in the following fiscal year shall be reduced by any such unexpended amount.

31 SECTION 3. Chapter 159A of the General Laws is hereby amended by inserting after the
32 section 11B the following:

33 Section 11C. The following words and phrases used in this section through section 11V
34 of this chapter shall have the following meanings, unless the context clearly requires otherwise:

35 “emergency condition,” a change in the market regulated under this act, whether actual or
36 imminently threatened, resulting from weather, convulsion of nature, failure or shortage of
37 electric power or other source of energy, strike, civil disorder, war, military action, act of
38 terrorism, national or local emergency or other cause of decreased capacity in the market which
39 results in the declaration of a state of emergency by the governor.

40

41 “cruising,” is the driving of a vehicle on the streets, alleys or public places of motorized
42 travel within the Commonwealth in search of or soliciting prospective passengers or riders.
43 Cruising shall be prohibited by transportation network companies, vehicles and drivers.

44 “department,” the department of public utilities.

45 “hackney” or “hackney licensee” shall have the meaning set forth by the appropriate
46 municipal agent or officer provided with authority by a general or special law of the
47 Commonwealth.

48 “livery operator” shall have the meaning set forth by the appropriate municipal agent or
49 officer provided with authority by a general or special law of the Commonwealth.

50 “mobile application,” any third party native application installed on a mobile device,
51 including devices such as smartphones, tablets, iPods or iPads used to arrange or coordinate a
52 transportation network company’s service.

53 “passenger manifest,” a driver produced recording of a trip detailing, at a minimum: (1)
54 the date and time of the mobile application request, (2) the passenger pick-up location, (3) the
55 fare to be charged or method of calculation to be used, which must be consistent with the fare
56 prearranged in advance and/or applicable law, and (4) the passenger drop-off location. The
57 Passenger Manifest must be maintained for a period of at least one (1) calendar year.

58 “prearranged ride,” a period of time that begins when a transportation network driver
59 accepts a requested ride through a mobile application, and continues while said driver transports
60 the transportation network company rider, and ends when said rider departs from the vehicle.

61 “taxi” is a vehicle used or designed to be used for the conveyance of persons for hire
62 from place to place within the Commonwealth, except a street or

63 elevated railway car or a trackless trolley vehicle, within the meaning of Massachusetts
64 General Laws chapter 163 section 2, or a motor vehicle, known as

65 a jitney, operated in the manner and for the purposes set forth in Massachusetts General
66 Laws chapter 159 A, or a sight-seeing automobile licensed under Chapter

67 399 of the Acts of 1931. Also known as a taxicab or hackney carriage.

68 “transportation network company,” an entity, including, but not limited to, a corporation,
69 limited liability company, limited liability partnership, sole proprietor, or any other entity,
70 operating in the Commonwealth that provides prearranged for-hire ride services for

71 compensation using a mobile application to connect passengers with drivers using a vehicle
72 authorized by the appropriate authorities.

73 “transportation network company permit” or “permit,” a document that may be issued by
74 the department to a qualifying transportation network company under this chapter, effective for a
75 period of two years.

76 “transportation network driver” or “driver” any licensed driver in the Commonwealth
77 who uses a vehicle in connection with compensation from a transportation network company.

78 “transportation network driver certificate” or “certificate” is documentation issued by the
79 department or its designated state or municipal agency or office pursuant to this chapter,
80 effective for a period of one year. Notwithstanding the provisions of Chapter 90 of the General
81 Laws or any other general or special law to the contrary, unless otherwise exempted, no person
82 shall engage in the business of a transportation network company on any highway within the
83 Commonwealth on an intrastate basis unless such person has secured from the department
84 documentation authorizing such business.

85 “transportation network rider” or “rider,” a passenger in a pre-arranged ride provided by a
86 transportation network driver, provided that the passenger personally arranged the ride or an
87 arrangement was made on the passenger’s behalf.

88 “transportation network services” or “services,” the offering or providing of pre-arranged
89 rides for compensation or on a promotional basis to riders or prospective riders through the
90 transportation network company’s mobile application, covering the period beginning when a
91 transportation network driver is logged onto the transportation network company’s mobile

92 application and is available to receive a prearranged ride or while in the course of providing a
93 prearranged ride.

94 “vehicle,” a vehicle owned or leased by a driver for operation in connection with
95 compensation from a transportation network company. No transportation network company may
96 dispatch limousines, executive sedans, and/or taxicabs without holding applicable authorizations
97 from the appropriate municipal authority or officer authorized by the general court to do so.
98 Further, every vehicle shall be a livery vehicle in accordance with chapter 90 of the general laws,
99 airport and authority regulations, and regulations of the registry of motor vehicles. Further, a
100 transportation network company shall assign a driver to only one vehicle and shall only authorize
101 a driver to transport passengers in said vehicle. Provided, further, a vehicle shall be registered as
102 a livery vehicle in Massachusetts with seating capacity of no more than eight persons, including
103 the driver. A vehicle shall not have been issued a certificate of title, either in the Commonwealth
104 or any other state, classifying the vehicle as salvage, non-repairable, rebuilt, or any equivalent
105 classification. A vehicle shall be covered under a commercial insurance policy as a livery vehicle
106 meeting the requirements of this chapter, as applicable, and be registered with the department for
107 use as a vehicle and display an identification marker issued by the department under this chapter.
108 A vehicle authorized to be operated by a driver under this chapter shall not be more than 5 model
109 years of age.

110 Section 11D. The department shall have general oversight of all transportation network
111 companies and the manner in which transportation network services are provided with reference
112 to the safety and convenience of the public, as expressly set forth in this chapter.

113 Notwithstanding any other provision of general or session law, transportation network companies
114 are not subject to the department’s rate or common carrier requirements, other than those

115 expressly set forth in this chapter. Except as otherwise provided in the general laws, every
116 transportation network company, driver, and vehicle shall be subject to the oversight of the
117 department; further, statutes and regulations of the department promulgated under this chapter
118 shall be enforced by the department and all other law-enforcement agents and officers with
119 appropriate jurisdiction.

120 Section 11E.

121 (a) No transportation network company shall operate in the Commonwealth without a
122 permit issued to it by the department.

123 (b) No driver shall provide services unless, said driver: (i) is affiliated with a
124 transportation network company that holds a permit issued by the department; (ii) has been
125 authorized to provide transportation network services by the department; (iii) holds a current and
126 valid certificate identifying him as a transportation network driver; (iv) uses a vehicle that is
127 listed on the driver certificate and displays the recognizable, vehicle markings required by the
128 department; and (v) carries the proof of insurance required by this chapter.

129 (c) A driver shall carry at all times, while operating a vehicle, proof of coverage
130 under each in-force primary commercial insurance policy established in accordance with this
131 chapter, which shall also be displayed as part of the mobile application. The transportation
132 network company shall require proof of the driver's compliance with this requirement.

133 Section 11F.

134 At minimum, and subject to such other requirements as the department may establish by
135 regulation, no application for a permit may be granted unless the department determines that the

136 rendering of a transportation network company's services by the applicant is consistent with the
137 public interest; and, that the transportation network company attests each respective driver being
138 fit, responsible, willing and able to perform such services. Further, each applicant for a permit
139 must meet the insurance requirements set forth in this chapter; and, a transportation network
140 company shall not allow the provision of services by any driver who has not been determined to
141 be suitable to provide transportation network services through the process set forth in this
142 chapter.

143 The transportation network company shall submit a verification setting forth, in detail, its
144 protocols for complying with the background check requirements under this chapter.

145 Each vehicle used to provide transportation network services shall be inspected yearly
146 through a process approved by the department.

147 Section 11G.

148 (a) A driver who applies for a transportation network company certificate shall, at
149 minimum, and be subject to the following and such other requirements as the department may
150 establish: the transportation network company shall conduct a background check of each
151 applicant. Further, before hiring an individual to act as a driver, a transportation network
152 company shall confirm that the person is at least 21 years of age and possesses a valid driver's
153 license; and, as part of the department's certification and approval of the background check
154 process of a transportation network company, a drivers and vehicles, the department, in
155 conjunction with the department of public safety and the office of criminal justice information,
156 prior to authorizing an individual to act as a driver, and at least once every year after authorizing
157 an individual to act as a driver, shall obtain a national criminal history records check of that

158 person. Such criminal history records check shall be conducted by an authorized agent within the
159 department of public safety. Background checks shall include (i) a multi-state/multi-Jurisdiction
160 criminal records database Search or a search of a similar nationwide database with primary
161 source search validation and (ii) a search of the sex offender registry and criminal offender
162 records information (CORI) database and the U.S. department of justice's national sex offender
163 public website (iii) shall conduct fingerprint-based checks of the state and national criminal
164 history databases, as authorized by 28 CFR 20.33 and public law 92-544. The fingerprint-based
165 checks shall be conducted on any applicant seeking to be a transportation network company
166 driver. The department may receive all criminal offender record information and the results of
167 checks of state and national criminal history databases under said Public Law 92-544. When the
168 department obtains information from state and national criminal history databases, it shall treat
169 the information in accordance with sections 167 to 178, inclusive, of chapter 6 and the
170 regulations thereunder regarding criminal offender record information.

171 Fingerprints shall be submitted to the identification section of the department of state
172 police for a state criminal history check and forwarded to the federal bureau of investigation for a
173 national criminal history check, according to the policies and procedures established by the state
174 identification section and by the department of criminal justice information services. Fingerprint
175 submissions may be retained by the federal bureau of investigation, the state identification
176 section and the department of criminal justice information services to assist the department in its
177 review of suitability for initial or continued employment, licensure, certification or approval. The
178 department of criminal justice information services may disseminate the results of a state and
179 national criminal history check to the department to determine the suitability of an applicant that
180 is consistent with the provisions of this section. The department shall promulgate rules and

181 regulations for the recovery of cost associated with this program from the transportation network
182 company.

183 (b) Before authorizing an individual to act as a driver, and at least once each year
184 thereafter after authorizing an individual to act as a driver, a transportation network company
185 shall obtain and review a driving history research report of a driver. Further, before authorizing
186 an individual to act as a driver, and at least once every year thereafter authorizing a person to act
187 as a driver, a transportation network company shall verify that the person is not listed in the
188 Massachusetts CORI database, on the sex offender registry or on the U.S. department of justice's
189 national sex offender public website. A transportation network company shall not authorize an
190 individual to act as a driver if the criminal history records check reveals that the individual: (a) Is
191 a person for whom registration with the sex offender registry is required pursuant to chapter 6,
192 section 178L through 178P and chapter 123A or is listed on the U.S. department of justice's
193 national sex offender public website; (b) has ever been convicted of or has ever pled guilty or
194 nolo contendere to a felony offense in accordance with the laws of the Commonwealth or a
195 substantially similar law of another state or of the United States; (c) within the preceding seven
196 years has been convicted of or has pled guilty or nolo contendere to any offenses, either under
197 the law of the Commonwealth or a substantially similar law of another state or of the United
198 States resulting in revocation of a driver's license, or (d) within the preceding three years has
199 been convicted of or has pled guilty or nolo contendere to any of the following offenses, either
200 under the laws of the Commonwealth or a substantially similar law of another state or of the
201 United States: (i) three or more moving violations, (ii) failure to stop for a law-enforcement
202 officer, (iii) reckless driving, or (iv) refusing to submit to a chemical test to determine the alcohol
203 or drug content of the person's blood or breath.

204 If the department does not act upon an application within 45 days of receipt, and upon
205 notifying the department and satisfying the customary fee, a transportation network company
206 may provisionally allow an applicant to provide the transportation network company's services,
207 provided that the transportation network company has determined that the applicant meets the
208 department's requirements and that all of the other requirements of Section 11E(b) are satisfied.
209 If the department subsequently notifies denies the applicant's certificate the transportation
210 network company shall immediately prohibit the driver from providing transportation network
211 services.

212 As a condition of employment, a driver shall submit to a random and reasonable
213 suspicion 5 panel drug testing program in accordance with the applicable rules, regulations and
214 policies established and implemented by the department of transportation.

215 A driver shall inform each transportation network company that has authorized the driver
216 to act as a driver of any event that may disqualify him from continuing to act as a driver,
217 including any of the following: a change in the registration status of the vehicle; the revocation,
218 suspension, cancellation, or restriction of the driver's license to operate a motor vehicle; a
219 change in the insurance coverage of the vehicle; a motor vehicle moving violation in any
220 jurisdiction; or, a criminal arrest, plea, or conviction.

221 (c) The requirements set forth in subsection (b) shall apply to each renewal of a
222 transportation network company permit and certificate.

223 (d) A transportation company shall provide to the department a register of each driver
224 authorized by it to be a transportation network driver, and shall update said register each calendar
225 month. The department shall make this register available to the registry of motor vehicles and

226 state and local law enforcement. Failure to comply for three consecutive months shall result in
227 revocation of the transportation network company's authority to operate in the Commonwealth.

228 (e) The department shall approve the form of a transportation network driver
229 certificate; provided, however, that each such certificate shall contain the name, address, and
230 picture of the driver, and the license plate number of the vehicle used by him to provide
231 transportation network services.

232 (f) For each transportation network company driver vehicle it authorizes, a
233 transportation network company shall issue vehicle markings to the driver associated with that
234 vehicle. The vehicle markings shall be sufficient to identify the transportation network company
235 or mobile application with which the vehicle is affiliated and shall be displayed in a manner that
236 complies with the laws of the Commonwealth. The vehicle markings shall be of such size, shape,
237 and color as to be readily identifiable during daylight hours from a distance of 75 feet while the
238 vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible at all
239 times. The vehicle markings may take the form of a removable vehicle marking that meets the
240 identification and visibility requirements of this section. The transportation network company
241 shall submit to the appropriate regulatory authority proof that the transportation network
242 company has established the vehicle markings required under this subsection by filing with the
243 Commonwealth an illustration or photograph of the vehicle markings. A transportation network
244 company driver shall keep the vehicle markings visible at all times while the vehicle is being
245 operated. Every driver must have a valid identification, photo and certificate placed in a position
246 visible to the passenger in the vehicle.

247 Section 11H.

248 Notwithstanding the provisions of Chapter 175 of the General Laws or any other special
249 or general law to the contrary, every vehicle shall be registered and insured as a livery vehicle at
250 all times and maintain commercial automobile insurance with a minimum of \$1,000,000 in
251 bodily injury coverage.

252 (A) Personal injury protection as defined in section 34A, and as prescribed by section
253 34M, of chapter 90 of the General Laws.

254 (B) Uninsured motorist coverage in accordance with section 113L(1) of chapter 175 of
255 the General Laws in the amount of \$100,000 per person and \$300,000 per accident, and
256 underinsured motorist coverage in accordance section 113L(2) of chapter 175 of the General
257 Laws if the participating driver carries that coverage.

258 (C) Collision coverage as described in section 34O of chapter 90 of the General Laws
259 and comprehensive coverage as described in section 113O of chapter 175 of the General Laws if
260 the participating driver carries those coverages on their personal auto policy unless that insurer is
261 providing transportation network company insurance to the driver.

262 Insurance policy coverage under this section shall not be dependent on a personal
263 automobile insurance policy first denying a claim nor shall a personal automobile insurance
264 policy be required to first deny a claim.

265 In every instance where the insurance maintained by a participating driver to fulfill the
266 insurance obligations of this section has lapsed or ceased to exist, the transportation network
267 company shall provide the coverage required by this section beginning with the first dollar of a
268 claim.

269 In a claims coverage investigation, a transportation network company or its insurer shall
270 cooperate with insurers that are involved in the claims coverage investigation to facilitate the
271 exchange of information, including the provision of dates and times at which an accident
272 occurred that involved a participating driver and the precise times that the participating driver
273 logged on and off the transportation network company's mobile application.

274 A driver shall carry proof of transportation network company insurance coverage with
275 him or her at all times during his or her use of a vehicle in connection with a transportation
276 network company's mobile application. In the event of an accident, a participating driver shall
277 provide this insurance coverage information to any other party involved in the accident, and to a
278 police officer, upon request.

279 Section 11I.

280 The transportation network company shall verify that the vehicle to be used by the driver
281 to provide transportation network services has been registered in the Commonwealth and
282 inspected pursuant to section 7 of chapter 90 and regulations promulgated thereunder at a facility
283 licensed by the registry of motor vehicles.

284 A transportation network company shall make the following disclosures in writing to a
285 driver or prospective driver: The primary commercial liability insurance coverage and limits of
286 liability that the driver is required to maintain for himself and for the vehicle; the obligation of
287 the driver to notify any holder of a lien on the vehicle that such vehicle is being used as a
288 transportation network company designated vehicle, and the rules, regulations and requirements
289 to be an authorized driver under this act. Said disclosures shall be provided to the driver in an
290 easy to understand presentation and the driver must acknowledge, in writing under the pains and

291 penalties of perjury, that he or she has reviewed the disclosures, understands the disclosures and
292 will comply with all rules, regulations and requirements contained therein and herein.

293 Section 11J.

294 (a) The department may, following notice and a hearing, suspend or revoke a
295 transportation network company permit at its discretion. Further, the department may order a
296 transportation network company to suspend or revoke the authorization of a driver to operate a
297 vehicle.

298 (b) A transportation network company must immediately report to the department a
299 driver's arrest for any crime or a citation for a driving infraction. Failure of the company to do so
300 within three days of it having knowledge of such a driver crime or infraction shall result in
301 discipline by the department, including but not limited to revocation of the transportation
302 network company's and/or drivers authorization to operate in the Commonwealth.

303 Section 11K.

304 (a) Whenever the department determines that any transportation network company is
305 in violation of any provision of this chapter or any regulation or rule promulgated hereunder, the
306 department may impose a monetary penalty, suspend or revoke a permit, or take such other
307 action as the department deems necessary. In determining the amount of the penalty, the
308 department shall consider the size of the transportation network company, the gravity of the
309 violation, the good faith, if any, of the transportation network company in attempting to achieve
310 compliance and remedying non-compliance, and any previous violations.

311 (b) Any driver providing transportation network services who is not in compliance
312 with clause (b) of section 11E has committed a civil motor vehicle infraction as that term is used
313 in section 1 of chapter 90C; may be issued a civil citation by state or local law enforcement; and,
314 if so cited, shall be subject to a fine of not less than 750 dollars.

315 Section 11L.

316 The department shall recommend and the secretary of administration and finance shall
317 establish, pursuant to section 3B of chapter 7, the cost associated with undertaking a
318 determination under section 11G, which cost may be payable by the applicant or the
319 transportation network company.

320 Section 11M.

321 Within 90 days of enactment of this chapter, the department shall establish regulations,
322 rules, and orders to effectuate this chapter; provided that the department shall consult with the
323 division of insurance in the development of any regulations related to insurance coverage;
324 provided further that the department shall consult with the executive office of public safety and
325 security, municipalities as identified by the department, in the development of any regulations
326 related to this chapter.

327 Section 11N.

328 (a) For enforcement actions under this chapter, the department shall prescribe records
329 to be maintained by transportation network companies, including, but not limited to, records
330 pertaining to service accessibility and pricing. Each transportation network company or any
331 applicant for a transportation network company permit shall furnish all information and

332 documents related to the condition, management, and operation of the company upon the
333 department's request; provided, however, that any such request must be reasonably related to the
334 requirement set forth in this chapter and any regulations promulgated thereunder.

335 (b) Any record furnished to the department may exclude information that would tend
336 to identify specific passengers, unless such information is pertinent to the enforcement processes
337 established in this chapter.

338 (c) Unless already disclosed to the public by lawful means, any record furnished to
339 the department or any other state agency by a transportation network company pursuant to this
340 chapter, including but not limited to the register of authorized transportation network drivers
341 shall not be considered a public record as that term is used in clause 26 of section 7 of chapter 4
342 or chapter 66; provided, however, that an application for a permit shall be a public record;
343 provided further, that any such application may be withheld from disclosure, in whole or in part,
344 for reasons set forth in clause 26 of section 7 of chapter 4 or chapter 66.

345 Section 110.

346 A transportation network company and a driver shall only provide services by
347 prearranged ride using a mobile application, without exception. No driver shall transport a
348 passenger unless a transportation network company has matched the driver to that passenger
349 through a prearranged ride using a mobile application. A driver shall not solicit, accept, arrange,
350 or provide transportation in any other manner, including street hails, cruising, or street
351 solicitations. Any driver found to be in violation of this prohibition shall be fined no less than
352 \$1,500.00. Any driver found to have violated the provisions of this section on more than 2
353 occasions shall have his or her vehicle impounded for a period of 72 hours by the relevant law

354 enforcement agency and shall be suspended from operating as a driver for a period of no less
355 than one year.

356 A transportation network company shall authorize collection of fares for transporting
357 passengers solely through a mobile application. A driver shall not accept payment of fares
358 directly from a rider, passenger, or any other person. Any driver found to be in violation of this
359 prohibition shall be fined \$10,000.00 and said vehicle shall be impounded by the relevant law
360 enforcement agency for 72 hours. Further, the department shall revoke any driver's
361 authorization to operate under this chapter who has been found to be in violation of this section
362 for no less than one year.

363 Section 11P.

364 A transportation network company shall publish the following information on its public
365 website and associated mobile application: The method used to calculate fares or the applicable
366 rates being charged and an option to receive an estimated fare; information about its driver
367 screening criteria, including a description of causes for disqualification as an authorized driver;
368 the means for a passenger or other person to report unlawful, unsafe, or discourteous operation of
369 a vehicle; information about the driver training and testing requirements; information about the
370 department's standards for drivers and vehicles; and, a toll free passenger support telephone
371 number and an easily remembered email address for reporting a complaint, including contact
372 information for the attorney general, department, and state and local law enforcement. Further,
373 free of charge, a transportation network company shall maintain a live customer service
374 representative who can be contacted via the internet or telephone 24 hours per day and seven
375 days per week.

376 A transportation network company and its driver shall, at all times, make the following
377 information available through its mobile application upon request of the department, law-
378 enforcement, and airport agents: the name of the transportation network company, driver permit,
379 license plate number of the vehicle, and a passenger manifest.

380 Upon completion of a prearranged ride, a transportation network company shall transmit
381 to the passenger a receipt that includes: the date and the times the trip began and ended; total
382 fare, including the base fare and any additional charges incurred for distance traveled or duration
383 of the transport, tolls and fuel, and contact information of the transportation network company.

384 Each transportation network company shall adopt and enforce a policy of
385 nondiscrimination on the basis of a passenger's points of departure and destination and shall
386 notify drivers of such policy. Transportation network companies and drivers shall comply with
387 all applicable laws regarding nondiscrimination against riders and passengers or potential riders
388 or passengers. A transportation network company shall maintain a ratio of at least 1 wheelchair
389 accessible vehicle per 100 of its designated vehicles operating in any one service area. A
390 transportation network company shall provide passengers an opportunity to indicate whether
391 they require a wheelchair-accessible vehicle and, if the transportation network company cannot
392 provide for a wheelchair-accessible vehicle, it must arrange for rider pick-up by a provider of a
393 wheelchair-accessible vehicle authorized to do so in the Commonwealth. A transportation network
394 company shall not impose additional charges for providing services to persons with disabilities.
395 Drivers shall comply with all applicable laws, rules, and regulations relating to accommodation
396 of service animals. A driver may only refuse to transport a rider or passenger for reason not
397 prohibited by law. A driver shall immediately report to the transportation network company any

398 refusal to transport a rider or passenger. The transportation network company shall log such
399 refusal and report those statistics every January 15th and June 15th of each calendar year.

400 A transportation network company shall deploy a zero-tolerance policy with regard to
401 substance abuse and shall include a notice concerning the policy on its website and mobile
402 application, along with reporting protocols.

403 SECTION 11Q.

404 A transportation network company or driver shall not conduct any business or operate a
405 vehicle on any property under control and management of an airport or authority unless
406 authorized by the respective airport or authority to do so. The department may sanction, at its
407 discretion, a transportation network company and/or driver that violates any regulation of an
408 airport or an authority, including, but not limited to, the suspension or revocation of a certificate
409 and/or permit.

410 SECTION 11R.

411 Notwithstanding any general or special law, rule, regulation, or ordinance to the
412 contrary, a transportation network company, hackney licensee and livery operator may not raise
413 base fares based upon supply and demand, provided, however that base fares may be raised
414 during an emergency condition, as follows: During an emergency condition, a driver under
415 authorization and as directed by a transportation network company, hackney licensee or livery
416 operator shall not raise their base fares by an amount greater than two times that which was in
417 effect prior to the emergency condition. Any violation of this statute shall result in the
418 suspension of operating privileges of a transportation network company and/or driver for no less
419 than one year, as determined by the department.

420 SECTION 11S.

421 A transportation network company is prohibited from requiring a rider or passenger to
422 waive his or her right to initiate a claim for damages or other remedy at law and equity against
423 the transportation network company or the driver as a condition of agreement for services.

424 SECTION 11T.

425 No vehicle shall solicit passengers for transportation services on any public way nor shall
426 a vehicle be parked on any public way for a time longer than is reasonably necessary to accept
427 passengers as a result of a call for service. No passenger shall be accepted for any trip in such
428 vehicle without previous engagement, at a fixed fare.

429 SECTION 11U.

430 A transportation network company shall submit proposed fares and rates, including the
431 per mile and tolls, idling/waiting time, hourly rates, for approval by the department prior to
432 receiving a permit under this chapter.

433 The mobile application used by the transportation network company to prearrange rides
434 must submit to the department for approval an explanation of the total cost or pricing structure
435 applicable to each pre-arranged ride before such ride begins, and if approved, clearly make said
436 explanation available and visible to passengers.

437 Any device provided to drivers used to calculate an approved pricing structure, including
438 smartphones provided by transportation network companies, shall be subject to approval in
439 accordance with section 45 of chapter 98 of the general laws.

440 SECTION 11V.

441 No vehicle shall use or otherwise benefit from any public or privately designated taxi or
442 hackney stand.

443 SECTION 4. There shall be a task force established to review the current laws,
444 regulations, and local ordinances governing licensed hackneys, taxis, livery, and transportation
445 network companies in the Commonwealth and to make recommendations concerning public
446 safety, consumer protection, and the economic fairness and equity of the regulatory structure
447 governing the ride for hire business in the Commonwealth. The task force shall be comprised of
448 11 members with one member of the house appointed by the speaker, one member of the senate
449 appointed by the president, the chair of the department of public utilities or designee, the
450 Attorney General of the Commonwealth or designee, a representative of the disability law center,
451 a representative of the Massachusetts municipal association, a representative of the
452 Massachusetts police association, a representative of the transportation network companies
453 appointed by the governor, a representative of the hackney and taxi industry to be appointed by
454 the governor, member of the legal community to be appointed by the governor, and a member of
455 the livery industry to be appointed by the governor. The task force shall meet and report back its
456 findings and any accompanying legislation no later than January 31, 2016 and file the same with
457 the clerks of the house and the senate.

458 SECTION 5. That portion of SECTION 3 codifying section 11E of chapter 159A of the
459 General Laws shall take effect 1 month after the enactment of this act; provided, however, that
460 on no more than 2 occasions, the department of public utilities, in its sole discretion, may extend
461 the effective date of section 11E by one month.

462 SECTION 6. If any section or clause of this act is held invalid or unconstitutional by a
463 court of competent jurisdiction, the remainder shall not be affected thereby.