

SENATE No. 102

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 transportation network company rider assessments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Martin J. Walsh, Mayor of Boston</i>	<i>1 City Hall Square, Suite 500, Boston, MA 02201</i>	<i>1/17/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 102

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 102) of Joseph A. Boncore, Martin J. Walsh, Mayor of Boston, Cindy F. Friedman and Michelle L. Ciccolo for legislation relative to transportation network company rider assessments. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to transportation network company rider assessments.

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. Section 1 of Mass General Laws Chapter 159A½ is amended by adding the
2 following definitions:

3 “Peak hours”, shall mean the periods between 7:00am and 9:00am and between 4:00pm
4 and 6:00pm on weekdays.

5 “Occupied vehicle miles travelled”, shall mean miles driven by a transportation network
6 company driver who is logged onto a transportation network company’s digital network and is
7 engaged in a pre-arranged ride with at least one passenger in the vehicle.

8 “Shared-ride”, a ride in which, prior to the commencement of the ride, a passenger
9 requests a pre-arranged ride through the transportation network company’s digital network to
10 share the ride with one or more passengers, regardless of whether the passenger actually shares
11 all or part of the ride.

12 “Single-occupancy ride”, a ride in which, prior to the commencement of the ride, a
13 passenger requests a pre-arranged ride through the transportation network company’s digital
14 network as a single passenger between points chosen by the passenger.

15 “Unoccupied vehicle miles travelled”, shall mean miles driven by a transportation
16 network company driver who is logged onto a transportation network company’s digital network
17 and is available to receive transportation requests, but is not engaged in a pre-arranged ride.

18 “Zero Emission Vehicle”, shall mean a vehicle that emits no tailpipe emissions from the
19 onboard source of power.

20 SECTION 2. Section 2 of Chapter 159A½ as appearing in the 2016 Official Edition, is
21 hereby amended by deleting subsection (d) in its entirety and replaced by the following:-

22 (d) A transportation network company shall provide clear and conspicuous transportation
23 fare estimates to riders at all times, including during surge pricing, high volume and high
24 demand times. Fare estimates shall include a clear rate estimate or the amount of price increase
25 resulting from surge pricing or increased demand and shall show the price difference between the
26 cost of a shared-ride and a single-occupancy ride.

27 SECTION 3. Section 7 of chapter 159A ½ , as appearing in the 2016 Official Edition, is
28 hereby amended by inserting at the end of subsection (c) the following paragraph:-

29 A driver who is subject to 3 or more violations of section 3 for cruising, or otherwise
30 soliciting, accepting, arranging or providing transportation in a manner not consistent with this
31 Chapter within a twelve-month period, shall be subject to suspension and/or revocation of their
32 Transportation Network Company Driver Permit for a period of not less than two years; provided

33 that said violations may be issued by state or local law enforcement officers in any legal
34 jurisdiction, and any combination of at least 3 violations, if issued from multiple jurisdictions or
35 law enforcement agencies, shall be sufficient to warrant the suspension and/or revocation of said
36 permit.

37 SECTION 4. Section 11 of Chapter 159A½ as appearing in the 2016 Official Edition, is
38 hereby amended by striking the section in its entirety and replacing it with the following:-

39 The division shall promulgate regulations necessary for the implementation,
40 administration and enforcement of this chapter. In addition to existing regulations, the division
41 shall (i) create regulations regarding data sharing, provided, however, that all data shall be safely
42 secured and, where appropriate, encrypted or limited and used for the purposes of public safety,
43 congestion management and transportation planning, including curbside management, road
44 improvements, traffic management, transit service planning and the allocation of public monies
45 for those purposes; (ii) consider practices to disclose or report information to cities and towns,
46 the Massachusetts Department of Transportation, and regional planning agencies; and (iii)
47 determine what information must be collected from transportation network companies to
48 effectuate the purposes outlined in (i).

49 SECTION 5. Section 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking
50 the section in entirety and inserting in place thereof the following:-

51 (a) There shall be a Transportation Infrastructure Enhancement Trust Fund. The director
52 of the division within the department of public utilities established in section 23 of chapter 25 of
53 the General Laws shall be the trustee of the fund and shall expend money in the fund to address

54 the impact of transportation network services, as defined in section 1 of chapter 159A½ of the
55 General Laws. There shall be credited to the fund:

56 (i) any per-mile assessment collected pursuant to subsection (b);

57 (ii) any per-trip assessment collected pursuant to subsection (c); and

58 (iii) any interest earned on money in the fund.

59 Amounts credited to the fund shall be expended by the director pursuant to subsection (d)
60 without further appropriation. Money remaining in the fund at the end of a fiscal year shall not
61 revert to the General Fund.

62 (b) Annually, not later than February 1, each transportation network company shall
63 submit to the director of the division established in section 23 of chapter 25 the total number of
64 occupied and unoccupied vehicle miles traveled from the previous calendar year that originated
65 within each city or town. For each vehicle mile travelled, the transportation network company
66 shall report the time of day during which the miles were driven. For the reporting period, the
67 transportation network company shall also submit a per-mile assessment, calculated as follows:

68 (i) The per-mile assessment for each unoccupied vehicle mile travelled shall be \$0.20;

69 (ii) Unoccupied vehicle miles travelled in zero emission vehicles shall be exempt from
70 the per-mile assessment.

71 A transportation network company shall not charge a transportation network rider or a
72 transportation network driver, as defined in section 1 of chapter 159A½, for the cost of the per-
73 mile assessment. The per-mile assessment shall be assessed only for trips conducted during peak

74 hours. Not later than June 30, the director shall post on the division's website the aggregate
75 number of vehicle miles travelled from the previous calendar year within each city or town.

76 (c) Annually, not later than February 1, each transportation network company shall
77 submit to the director of the division established in section 23 of chapter 25 the number of rides
78 from the previous calendar year that originated in each city or town and the amount collected
79 from rider-assessments. Notwithstanding any other law, a rider-assessment is to be charged as
80 follows:

81 (i) Three percent of net rider fares for a shared ride in which, prior to the commencement
82 of the pre-arranged ride, a passenger requests through the transportation network company's
83 digital network, to share the ride with one or more passengers and each passenger is charged a
84 fare that is calculated in whole or in part, based on the passenger's request to share all or part of
85 the ride with one or more passengers, regardless of whether the passenger actually shares all or
86 part of the ride.

87 (ii) Six and one-quarter percent of the net rider fare for a pre-arranged ride other than a
88 ride described in (i).

89 A transportation network company may charge a transportation network rider, as defined
90 in section 1 of chapter 159A½, for the cost of the rider assessment. Not later than June 30, the
91 director shall post on the division's website the aggregate number of rides from the previous
92 calendar year originating within each city or town.

93 (d) The division shall:

94 (i) proportionately distribute $\frac{1}{2}$ of the amount collected to a city or town based on the
95 number of rides from the previous calendar year that originated within that city or town to
96 address the impact of transportation network services on municipal roads, bridges and other
97 transportation infrastructure or any other public purpose substantially related to the operation of
98 transportation network services in the city or town including, but not limited to, the complete
99 streets program established in section 1 of chapter 90I of the General laws and other programs
100 that support alternative modes of transportation; and

101 (ii) distribute $\frac{1}{4}$ of the amount collected to the Massachusetts Development Finance
102 Agency established in section 2 of chapter 23G of the General Laws to provide financial
103 assistance to small businesses operating in the taxicab, livery or hackney industries to encourage
104 the adoption of new technologies and advanced service, safety and operational capabilities and
105 support workforce development; and

106 (iii) distribute $\frac{1}{4}$ of the amount collected to the Commonwealth Transportation Fund
107 established in section 2ZZZ of chapter 29 of the General Laws.

108 (e) Annually, a city or town receiving money from the Transportation Infrastructure
109 Enhancement Trust Fund shall submit a report to the director of the division not later than
110 December 31 detailing the projects and the amount used or planned to be used for transportation-
111 related projects as described in subsection (d). The director shall compile the reports and post the
112 projects and amounts of money used on the website of the division.

113 SECTION 6.

114 Section 9 of Chapter 187 of the Acts of 2016 is hereby amended by striking out, in line 1,
115 the words “subsection (c)” and inserting in place thereof: “subsection (d)”;

116 Section 9 of Chapter 187 of the Acts of 2016 is hereby further amended by striking out,
117 in the first paragraph, the words “(c)” and inserting in place thereof:- “(d)”.

118 SECTION 7. Section 10 of Chapter 187 of the Acts of 2016 is hereby repealed.

119 SECTION 8. Section 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking
120 the following language from subsection (b):-

121 (ii) Unoccupied vehicle miles travelled in zero emission vehicles shall be exempt from
122 the per-mile assessment.

123 SECTION 9. Section 8 shall take effect on January 1, 2028.

124 SECTION 10. Sections 1 through 7 of this Act shall take effect 180 days after passage.