

ALASKA STATE LEGISLATURE

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Official Business

CSHB132 ver T Work Draft Sectional Analysis

"An Act relating to transportation network companies and transportation network company drivers."

- Section 1: Describes legislative intent of the bill is to clarify the Alaska Workers' Compensation Act and its relationship to transportation network company drivers.
- Section 2: Offers immunity to the state if civil action is taken against a transportation network company.
- Section 3: Amends AS 21.96 by adding a new section 21.96.018 relating to transportation network company insurance provisions. Allows for automobile insurance writers to exclude any driver who is logged onto the digital network of a transportation network company or while a driver provides a ride.
- Section 4: Amends AS 23.30.230(a) to exclude transportation network company drivers from the Alaska Workers' Compensation Act.
- Section 5: Amends AS 23.30.230(c) by adding the definitions for "digital network," "prearranged ride," "transportation network company," and "transportation network company driver."
- Section 6: Amends AS 28 by adding a new chapter, Chapter 23, Transportation Network Companies and Drivers.
AS 28.23.010. Relates to fares collected by transportation network companies for services.
AS 28.23.030. Governs identification required for transportation network vehicles and drivers.
AS 28.23.040. Requires electronic receipts.
AS 28.23.050. Sets insurance requirements for transportation network companies and drivers.
AS 28.23.060. Requires transportation network companies to provide automobile insurance disclosures to drivers.

AS 28.23.070. Requires that transportation network companies to file a certificate of insurance with the division of insurance.

AS 28.23.080. Provides that transportation network companies are not employers and that drivers are independent contractors, not employees. Exempts this section if TNC is owned or operated by the state, a municipality, a federally recognized tribe, or entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code).

AS 28.23.090. Requires implementation of zero tolerance drug and alcohol policy.

AS 28.23.100. Sets transportation network company driver requirements. Requires local and national criminal background check, multi-state or multi-jurisdiction criminal records locator, the US Dept. of Justice National Sex Offender public website (driver is disqualified if they are listed on this), and obtaining a driver history report. Disqualifies a driver if in the past seven years they have been convicted of: an unclassified, class A, or class B felony; a DUI while operating a motor vehicle, watercraft, or aircraft; refusal to submit to a chemical test; a violent crime against a person; not rendering assistance after an accident. Disqualifies a driver if in the past three years if they have been convicted of or forfeited bail for a third or subsequent moving traffic violation or been convicted of: driving without a license; failure to stop at the direction of a police officer; reckless or negligent driving. Driver must be 21 years of age. Driver may not solicit a rider or accept a street hail, may only provide a prearranged ride through the TNC platform, or solicit or accept cash payments.

AS 28.23.105 19-point safety inspection required. Driver's car may not be older than 12 years old.

AS 28.23.110. Relates to mandatory rules and policies governing non-discrimination and accessibility protected under AS 18.80.210.

AS 28.23.120. Provides for maintenance of records.

AS 28.23.030. The Department of Transportation & Public Facilities may under AS 02.15, enter into a contract, lease, or other arrangement with a TNC for use of an international airport owned or operated by the state.

AS 29.23.180. Provides definitions for the chapter.

AS 28.23.190 States that the short title of the chapter may be cited as the "Transportation Network Companies Act."

Section 7: Amends AS 29.10.200 to add paragraph (66), adding AS 29.35.148 (regulation of transportation network company or drivers) as home rule prohibitions on acting otherwise.

Section 8: Amends AS 29.35 by adding AS 29.35.148, which provides that the authority to regulate transportation network companies and transportation network drivers is reserved to the state. Provides that an imposition of a municipal sales tax may be applied to a trip originating in the municipality on TNC drivers. Municipal traffic ordinances must be followed. Municipalities may by ordinance ratified by the voters in a regular municipal election prohibit TNCs from conducting activities.

Section 9: This Act takes effect immediately.