

Virginia Transportation Network Company Manual

Virginia Department of Motor Vehicles



3 MIN SET PICKUP LOCATION

This manual is intended as a guide for transportation network companies (TNCs) interested in operating in Virginia or licensed to operate in Virginia. The manual covers licensing and operational requirements, insurance requirements, notice requirements, recordkeeping obligations and other information important to TNCs and their driver partners.

The information in this manual does not change or override any current statute, rule, regulation, or policy nor is it intended as the complete authority for this program.

Table of Contents

| | |
|---|----|
| Transportation Network Company Description | 3 |
| TNC Licensing Requirements | 3 |
| How to Apply for a TNC Certificate of Fitness | 3 |
| Annual Renewal of a TNC Certificate of Fitness..... | 3 |
| Denial and Suspension/Revocation of a TNC Certificate of Fitness..... | 3 |
| Overview of Transportation Network Company Requirements | 4 |
| General Operational Requirements and Limitations | 4 |
| Notice Requirements | 6 |
| Mandatory Driver Screening Requirements | 6 |
| Other Requirements Associated with Use of Drivers/Partners | 7 |
| Mandatory Vehicle Screening Requirements..... | 8 |
| Trade Dress Requirements for TNC Partner Vehicles..... | 8 |
| Insurance Obligations and Filing Requirements | 8 |
| TNC’s Duty to Cooperate | 9 |
| Recordkeeping Requirements and Release of Information..... | 10 |
| TNC Partner Requirements | 11 |
| Contact Information..... | 12 |

Transportation Network Company Description

A transportation network company is a for-hire motor carrier that provides prearranged rides for compensation using a digital platform that connects passengers with drivers using personal vehicles. TNC drivers are referred to as TNC partners. A digital platform is any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC partners.

TNC Licensing Requirements

For-hire motor carriers transporting passengers from point to point within Virginia are required to obtain Virginia For-Hire Intrastate Operating Authority. Transportation network companies are required to obtain a certificate of fitness from the Virginia Department of Motor Vehicles (DMV) prior to offering or engaging in TNC services within Virginia. A hearing may be required if it is determined that the issuance of a certificate may not be in the interest of public safety or if the application has been protested on grounds of fitness. After a certificate is issued, DMV may continue to monitor character and fitness matters in the interest of public safety.

For any application for a certificate of fitness, DMV will publish a notice of such application at dmvNOW.com. The notice period allows parties to protest an application based solely on grounds of fitness.

Before a certificate of fitness authorizing intrastate operation is issued, the TNC must have an insurance company provide DMV with proof of liability insurance. The TNC must file a surety bond or letter of credit at the time the application is filed.

How to Apply for a TNC Certificate of Fitness

Complete and submit a Transportation Network Company Certificate Application (OA152).

To apply, a TNC may choose from two options:

- 1) Pay a filing fee of \$100,000 (and an annual renewal fee of \$60,000). If your application is not approved, \$90,000 of the application fee is refundable.
- 2) Pay a \$20 surcharge for each driver history research report requested in addition to standard transcript fees. (If you use a third party to request the driver transcripts, that party must identify you as the TNC requesting the transcripts and must indicate that a TNC transcript type is needed.)

A TNC must also submit a surety bond or letter of credit in the amount of \$25,000 which must remain on file for the first three years of licensure.

Mail to:
Department of Motor Vehicles
Motor Carrier Services
P.O. Box 27412
Richmond, Virginia, 23269-0001

Annual Renewal of a TNC Certificate of Fitness

You must renew your Virginia operating authority certificate of fitness annually. A renewal application will be sent to you prior to the expiration of your authority.

When applying to renew your certificate of fitness, you must choose one of the two fee options:

1. Pay a \$60,000 filing fee upon renewal.
2. Pay a \$20 surcharge for each driver history research report you request from DMV.

You may choose either option, even if you selected the other option when you applied for the original certificate or the last time you applied for renewal.

Renewal applications should be mailed to the address shown on the application. Once your application is processed you will receive a renewal confirmation card.

If you fail to renew your operating authority, you will be required to apply for original authority and comply with all of the application requirements.

DMV reexamines the fitness of for-hire motor carriers that operate under a certificate of fitness. The reexamination typically will occur during renewal of the certificate.

Denial and Suspension/Revocation of a TNC Certificate of Fitness

Any application for a TNC certificate of fitness will be denied if the applicant has been found guilty through a criminal conviction or civil penalty assessment of previously providing or arranging such transportation before obtaining the required certificate. The denial period will extend 12 months from the date of the final disposition of the conviction or the date that the civil penalty was assessed.

Chapter 20 of Title 46.2 of the Code of Virginia provides that the Department of Motor Vehicles may:

- ▶ deny your application for an operating authority certificate, or

- ▶ suspend or revoke an existing operating authority certificate.

This may occur due to one or more of the following:

1. Making misstatements or omitting information on your application for an operating authority certificate
2. Failing to comply with:
 - ▶ any legal order issued by DMV, or
 - ▶ any provision of Chapter 20 of Title 46.2 of the Code of Virginia, or
 - ▶ any terms, conditions, or restrictions of your certificate
3. Failing to comply with zoning or other land use ordinances, regulations, or statutes
4. Engaging in deceptive business acts or practices
5. Making untruthful, misleading, or deceptive advertisements relating to the business authorized by a TNC certificate of fitness
6. Being found in either a judicial or administrative hearing to have committed fraudulent or deceptive business acts relating to the business authorized by a TNC certificate of fitness that you are applying for or that you hold
7. Being convicted of any criminal act involving the business authorized by a TNC certificate of fitness that you are applying for or that you hold
8. Improperly leasing, renting, or lending; or allowing improper use of a TNC certificate of fitness
9. Having been convicted of a felony
10. Having been convicted of any misdemeanor involving lying, cheating, stealing, or immoral conduct
11. Failing to pay to DMV any taxes, fees, dues, fines, or penalties owed to DMV
12. Failing to submit to DMV information, documentation, or records required or requested by statute
13. Knowingly and willingly filing any false report, account, record, or memorandum
14. Failing to prove that you are fit to provide the service, or you can meet the required financial responsibility requirements
15. Willfully altering or changing the appearance or wording of a certificate, decal, license plate, or vehicle registration
16. Failing to provide services authorized by the certificate
17. Failing to keep proof of financial responsibility and/or a performance bond on file with DMV
18. Failing to comply with the Worker's Compensation Act of Title 65.2 of the Code of Virginia

19. Failing to properly register a motor vehicle under Title 46.2 of the Code of Virginia
20. Failing to comply with any federal motor carrier statute, rule, or regulation
21. Failing to comply with any requirements of the Americans with Disabilities Act or the Virginians with Disabilities Act
22. Failing to actively maintain your motor carrier business
23. Failing to comply with any provision regarding the filing and registered agent requirements set forth in Title 13.1 of the Code of Virginia

Overview of Transportation Network Company Requirements

A Virginia TNC certificate of fitness authorizes operations only in Virginia, and only for trips with an origin and destination within Virginia.

All holders of a TNC certificate of fitness, like other motor carriers, must include the certificate number in any advertisement for service (advertisements may not contain untrue, misleading, or deceptive information).

A TNC is subject to certain operational limitations and requirements, notice requirements, insurance requirements, and recordkeeping requirements. A TNC is also responsible for screening the drivers and vehicles it uses to provide transportation services based on the requirements set out in law.

General Operational Requirements and Limitations

A TNC may provide service on a prearranged basis only and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. A TNC partner vehicle is a personal vehicle that has been authorized by a TNC, and that is being used by a TNC partner, to provide prearranged rides on an intrastate basis in Virginia.

Vehicles displaying taxi or for-hire passenger license plates are not allowed to be used to provide TNC transportation services. This does not preclude a licensed motor carrier (such as an irregular route common carrier) from entering into a contractual arrangement with a licensed broker for the arrangement of transportation services authorized by the type of operating authority held by the carrier. Such arrangements simply do not fall within the purview of TNC operations or regulations.

A TNC is required to associate a TNC partner with one or more personal or rental vehicles and may only arrange transportation for previously authorized partner and vehicle combinations. Additionally, a TNC may only authorize a TNC partner to transport passengers in a vehicle they have specifically associated with the partner.

A TNC is required to provide its partners a credential that includes:

- ▶ the name or logo of the TNC,
- ▶ the name and a photograph of the TNC partner, and
- ▶ the make, model, license plate number and issuing state for each TNC partner vehicle the TNC has associated with that partner.

The partner credential can be displayed as part of the digital platform. The TNC must require its partners to carry the credential at all times when operating a TNC partner vehicle and to present it upon request to appropriate officials.

Generally, all fares collected for transporting passengers must be collected electronically through the digital platform. A TNC may not authorize the collection of fares in any other manner such as payment from a passenger to the TNC partner. Fares must be collected electronically via the digital platform and may not be paid by the passenger directly to a TNC partner.

The only exception to these general rules is when:

1. The ride is booked by a transit system, with a transportation network company with which it has a contract, on behalf of an eligible paratransit passenger;
2. The fare is a defined amount, as published by the transit system, and is communicated to the passenger in advance;
3. The transportation network company specifically authorizes over the digital network the TNC partner to collect cash for the fare, and that authorization includes the amount to be collected. The transportation network company's digital platform shall provide the TNC partner with a method to acknowledge receipt of the fare when it is collected;
4. The passenger receives a receipt for the fare paid; and
5. The transit system receives a receipt and full accounting of cash fares monthly, or on demand, through the transportation network company's account dashboard.

A TNC must provide its partners proof of coverage under each in-force TNC insurance policy so the partner can carry that proof at all times while operating a TNC partner vehicle and present the proof to appropriate officials upon request. The proof of coverage may be displayed as part of the

digital platform. It is the responsibility of the TNC to ensure its partners comply with these requirements.

A TNC is also required to provide certain information through the digital platform to the person prearranging the ride. The following information must be provided to the passenger before the passenger enters the TNC partner vehicle:

- ▶ the first name and photograph of the TNC partner,
- ▶ the make and model of the TNC partner vehicle, and
- ▶ the license plate number of the TNC partner vehicle.

At the end of a prearranged ride, a TNC is required to send an electronic receipt to the person who prearranged the ride. The receipt must include the following information:

- ▶ a map of the route taken,
- ▶ the date and times the trip began and ended,
- ▶ the total fare, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride,
- ▶ the TNC partner's first name and photograph, and
- ▶ contact information where additional support can be obtained.

A TNC must make certain information available through its digital platform at all times during a prearranged ride. The information serves as an electronic manifest or trip sheet and is to be provided to representatives of DMV, law enforcement officers, officials of the Washington Metropolitan Area Transit Commission (WMATC), and airport owners and operators upon request. The required information includes:

- ▶ the name of the TNC,
- ▶ the name of the TNC partner and the identification number issued to the TNC partner by the TNC,
- ▶ the license plate number of the TNC partner vehicle and the state issuing the license plate, and
- ▶ the location, date, and approximate time that each passenger was or will be picked up.

A TNC is required to have and enforce a policy of nondiscrimination on the basis of a passenger's points of departure and destination and is responsible for informing its partners of the policy.

A TNC must provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If the TNC cannot arrange wheelchair-accessible service in a TNC partner vehicle, it must direct the passenger to an alternative provider of wheelchair-accessible service, if available.

A TNC is not allowed to impose additional charges for providing services to persons with disabilities because of those disabilities.

TNC operations on the property of or into any airport are not allowed unless the airport owner and operator authorizes such operation and it is in compliance with the rules and regulations of that airport. Violation of an airport regulation may place the TNC's certificate in jeopardy of suspension or revocation.

Notice Requirements

A transportation network company is required to publish a variety of information on its public website and its digital platform. The purpose of this requirement is to give the public the resources needed to make informed decisions about transportation services. The following information is required to be published:

- ▶ The method used to calculate fares or the applicable rates being charged and an option to receive an estimated fare,
- ▶ Information about the TNC's partner screening criteria, including a description of the offenses that the TNC regards as grounds for disqualifying an individual from acting as a TNC partner,
- ▶ The means for a passenger or other person to report a TNC partner suspected of operating a TNC partner vehicle under the influence of drugs or alcohol,
- ▶ Information about the company's training and testing policies for TNC partners,
- ▶ Information about the company's standards for TNC partner vehicles,
- ▶ A customer support telephone number or email address and instructions for reporting a complaint, and
- ▶ A notice concerning the company's zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners.

A transportation network company is also required to disclose certain information to its drivers and prospective drivers. The notifications must be in writing and must include all of the following:

- ▶ The liability insurance coverage and limits of liability that the TNC provides while the TNC partner uses a vehicle in connection with the TNC's digital platform,
- ▶ Any physical damage coverage provided by the TNC for damage to the vehicle used by the TNC partner in connection with the TNC's digital platform,

- ▶ The uninsured motorist and underinsured motorist coverage and policy limits provided by the TNC while the TNC partner uses a vehicle in connection with the TNC's digital platform,
- ▶ A notice that the TNC partner's personal automobile insurance policy may not provide uninsured motorist and underinsured motorist coverage when the TNC partner uses a vehicle in connection with a TNC's digital platform,
- ▶ The following specific statement: "If the vehicle that you plan to use to transport passengers for our transportation network company has a lien against it, you must notify the lienholder that you will be using the vehicle for transportation services that may violate the terms of your contract with the lienholder", and
- ▶ A notice that a TNC partner is required to inform the TNC of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; or a criminal arrest, plea, or conviction.

Mandatory Driver Screening Requirements

Transportation network companies are required to screen TNC partners before authorizing them to provide TNC services and on a recurring basis thereafter. The TNC must confirm that a partner is at least 21 years old and possesses a valid driver's license from Virginia or another state.

The TNC must obtain a national criminal history records check of a potential partner initially and must complete follow-up checks at least once every two years after authorizing an individual to act as a TNC partner. The background check is required to include:

- ▶ a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search),
- ▶ a search of the Sex Offender and Crimes Against Minors Registry, and
- ▶ a search of the U.S. Department of Justice's National Sex Offender Public Website.

The person or entity conducting the background check must be accredited by the National Association of Professional Background Screeners or a comparable entity approved by DMV.

Before authorizing a person to act as a TNC partner and at least once every two years thereafter, a TNC must verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.

In addition to the criminal history records check, a TNC must also obtain and review a driver transcript for its partners and potential partners. The record must be obtained from the partner's state of licensure and must be obtained and reviewed prior to a TNC authorizing an individual to act as a TNC partner and at least once annually thereafter.

Unless it has elected to pay the \$100,000 first-time fee or \$60,000 renewal fee when applying for a certificate of fitness, a TNC must pay a \$20 surcharge for each Virginia driver transcript requested in addition to standard transcript fees.

Virginia's law establishes threshold screening criteria that a TNC is obligated to use when reviewing background checks and driver transcripts. A TNC is allowed to establish its own more stringent screening policy and criteria, but the following minimum standards must be used:

- ▶ A criminal record that includes a conviction, guilty plea, or plea of nolo contendere to any violent felony offense (as defined in Virginia Code § 17.1-805 (C) or a substantially similar law of another state) will bar an individual from acting as a TNC driver. Anyone required to register as a sex offender will also be barred from operating as a TNC driver.
- ▶ A driving history research report that includes a conviction, guilty plea, or plea of nolo contendere to any of the following offenses in the preceding seven years will bar the individual from operating as a TNC driver:
 - ▶ underage drinking and driving,
 - ▶ driving under the influence (DUI),
 - ▶ operation of a motor vehicle after license revocation resulting from repeated DUI offenses, or
 - ▶ any felony offense (other than those classed as violent crimes in Virginia Code § 17.1-805 (C)).
- ▶ In addition, a record of any of the following within the preceding three years will bar the individual from operating as a TNC driver:
 - ▶ three or more moving violations,
 - ▶ refusal to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath,
 - ▶ reckless driving,

- ▶ operating a motor vehicle with a suspended or revoked license, or
- ▶ escaping or eluding a law enforcement officer.

This information provides a general description of the required screening criteria. TNCs should refer to Virginia Code § 46.2-2099.49 for a full description of the mandatory screening criteria.

Other Requirements Associated with the Use of Drivers/Partners

A transportation network company is required to adopt a zero-tolerance policy with respect to the use of drugs and alcohol by TNC partners.

A TNC partner is authorized to provide passenger transportation only on a prearranged basis and only by means of a TNC's digital platform. A TNC partner is not allowed to transport a passenger unless a TNC has matched the partner to that passenger through the TNC's digital platform. With the exception of certain rides arranged by transit systems on behalf of paratransit passengers (see "General Operational Requirements and Limitations," above), TNC partners are not allowed to accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform.

If a TNC learns that a TNC partner has violated the above provisions, it is required to remove the TNC partner from the TNC's digital platform for at least one year. DMV will routinely notify licensed TNCs about TNC partner drivers that have been convicted of any of these violations or have had civil penalties levied against them for any of these violations. Upon notice the TNC must immediately determine if the individual is a partner of its company and, if so, remove the TNC partner from its digital platform.

Although TNCs are not required to alert DMV when they become aware that one of these requirements has been violated, they are strongly encouraged to do so. Off-app activity is a serious violation that poses considerable public safety and consumer protection concerns and jeopardizes the TNC business model. DMV will investigate any information provided by a TNC, take appropriate action against the individual, and place other TNCs on notice to prevent the driver from operating for another TNC during the one-year ban.

Mandatory Vehicle Screening Requirements

A transportation network company is responsible for ensuring that only personal or rental vehicles are used to provide TNC transportation services for its company. The vehicles used cannot be registered for for-hire use and must meet the following standards:

- ▶ must have a maximum seating capacity of no more than eight persons, including the driver,
- ▶ must be validly titled and registered either in Virginia or in another state,
- ▶ must not have been branded as salvage, nonrepairable, rebuilt, or an equivalent classification,
- ▶ must have an annual safety inspection either in Virginia or in another state with an approved safety inspection program (visit dmvNOW.com for a list of approved states),
- ▶ must be insured by a policy providing coverage for commercial use of the vehicle, and
- ▶ must display trade dress issued by the TNC that clearly identifies the TNC with which the vehicle is associated. Trade dress should be displayed on the rear passenger side window.

Trade Dress Requirements for TNC Partner Vehicles

A TNC is required to issue trade dress to its TNC partners for display on the vehicles it authorizes to provide TNC services. The trade dress must be sufficient to identify the TNC or digital platform the vehicle is affiliated with and may be displayed in a location of the TNC's choosing provided it is displayed in a manner that complies with Virginia law. TNC partners are encouraged to display their trade dress on the passenger-side rear window. The trade dress must be of a size, shape, and color as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and is required to be reflective, illuminated, or otherwise patently visible in darkness. The trade dress may take the form of a removable device that meets the identification and visibility requirements, but it must be displayed at all times the vehicle is operated as a TNC partner vehicle.

In lieu of, or in addition to the trade dress requirements above, a TNC partner vehicle may be equipped with no more than two removable, illuminated, interior TNC-issued trade dress devices that assist passengers in identifying and communicating with TNC partners. Such devices may use a single steady-burning color while the TNC partner is logged into a TNC's digital platform and may change to a

different steady-burning color once the TNC partner accepts a request to transport a passenger and is within 0.4 miles of the passenger. The illuminated display on each device must not: (1) exceed five candlepower or 62.85 lumens, (2) exceed 20 square inches, (3) utilize red, blue, or amber lights, (4) project a glaring or dazzling light, or (5) attach to the windshield. A TNC that uses such an illuminated device must file with DMV the specifications of the device including the default color.

If a vehicle is being operated for multiple TNCs simultaneously the trade dress for each TNC is required to be displayed.

A TNC is required to submit an illustration or photograph of its trade dress to DMV which allows DMV to assist the TNC in identifying potential conflicts with Virginia law and to inform the law enforcement community about the company's official trade dress.

Insurance Obligations and Filing Requirements

TNC insurance requirements are complex. This manual provides an overview of Virginia's requirements, but does not cover every aspect of the law. TNCs and their insurers are strongly encouraged to review the comprehensive insurance provisions in Va. Code § 46.2-2099.52. At all times during the operation of a TNC partner vehicle, a transportation network company or TNC partner shall keep in force a motor vehicle liability insurance policy that specifically covers liabilities arising from a TNC partner's operation of a TNC partner vehicle (TNC insurance). TNC insurance may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in Va. Code § 38.2-4805.2. In every instance where TNC insurance maintained by a TNC partner to fulfill the TNC insurance obligations has lapsed or ceased to exist, the transportation network company shall provide the required coverage beginning with the first dollar of a claim.

The type and limits of coverage vary depending upon whether the partner is engaged in a prearranged ride or simply has the digital platform active, but has not yet accepted a ride request.

Insurance Requirements

A. TNC insurance requirements from the moment a TNC partner accepts a prearranged ride request on a transportation network company's digital platform until the TNC partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:

1. TNC insurance shall provide motor vehicle liability coverage. The coverage must be primary and the minimum amount of liability coverage for death, bodily injury, and property damage shall be \$1 million.
2. TNC insurance shall provide uninsured motorist coverage and underinsured motorist coverage. The coverage shall apply from the moment a passenger enters a TNC partner vehicle until the passenger exits the vehicle. The minimum amount of uninsured motorist coverage and underinsured motorist coverage for death, bodily injury, and property damage shall be \$1 million.
3. The insurance requirements may be satisfied by any of the following:
 - ▶ TNC insurance maintained by a TNC partner,
 - ▶ TNC insurance maintained by a transportation network company, or
 - ▶ A combination of insurance maintained by a TNC partner and TNC.

A transportation network company may meet its obligations under this subsection through a policy obtained by a TNC partner only if the transportation network company verifies that the policy is maintained by the TNC partner.

B. TNC insurance requirements (i) from the moment a TNC partner logs on to a transportation network company's associated digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:

1. TNC insurance shall provide motor vehicle liability coverage. The coverage shall be primary and shall provide liability coverage of at least \$50,000 per person and \$100,000 per incident for death and bodily injury and at least \$25,000 for property damage.
2. The requirements for the coverage may be satisfied by any of the following:
 - ▶ TNC insurance maintained by a TNC partner,
 - ▶ TNC insurance maintained by a transportation network company that provides coverage in the event that a TNC partner's insurance policy has ceased to exist or has been canceled or in the event that the TNC partner does not otherwise maintain TNC insurance, or
 - ▶ A combination of insurance maintained by a TNC partner and TNC.

A transportation network company may meet its insurance obligations through a policy obtained by a TNC partner only if the transportation network company verifies that the policy is maintained by the TNC partner and is specifically written to cover the TNC partner's use of a vehicle in connection with a transportation network company's digital platform.

Insurance Filing Requirements

A transportation network company is required to keep on file with DMV proof of an insurance policy maintained by the transportation network company to meet its insurance obligations. The proof must be filed by the insurance company directly with DMV using form MCS 306, TNC Insurance Certification.

The TNC insurance may be placed with an insurer that has been admitted in Virginia or with an insurer providing surplus lines insurance as defined in Va. Code § 38.2-4805.2.

Insurers may file form MCS 306, TNC Insurance Certification, using one of the following options:

1. Online (contact a motor carrier representative at (804) 249-5130 for more information)
2. Mail form MCS 306, TNC Insurance Certificate to:
Department of Motor Vehicles
Motor Carrier Services
P. O. Box 27412
Richmond, Virginia 23269-0001
3. Fax form MCS 306, TNC Insurance Certificate to:
(804) 367-1003

Insurers making a TNC insurance filing obligate themselves to providing TNC insurance coverage until such time DMV is notified directly by the insurer that the TNC insurance has been cancelled and the insurer has provided DMV 30 days notice of cancellation. TNC insurance cancellations are required to be filed with DMV on form MCS 307, TNC Insurance Cancellation, using one of the filing methods noted above.

TNC's Duty to Cooperate

A transportation network company has a duty to cooperate with any person, or an attorney acting on behalf of any person, who suffers a loss in an automobile accident with a reasonable belief that the accident involves a TNC partner vehicle driven by a TNC partner in connection with a transportation network company. If the person makes a written request for information relating to the insurance coverage and the company providing the coverage and provides the TNC with the date, approximate time, and location of the accident, the name of the TNC partner (if

available), and the accident report (if available), the TNC is required to respond electronically or in writing within 30 days and to provide the following information: (i) whether, at the approximate time of the accident, the TNC partner was logged into the transportation network company's digital platform and, if so logged in, whether a trip request had been accepted or a passenger was in the TNC partner vehicle; (ii) the name of the insurance carrier providing primary coverage; and (iii) the identity and last known address of the TNC partner.

A transportation network company is also required to cooperate in claims coverage investigations. Both the TNC and its insurer must cooperate with insurers involved in a claims coverage investigation to facilitate the exchange of information, including the dates and times of any accident involving a TNC partner and the precise times that the TNC partner logged in and was logged out of the transportation network company's digital platform.

Recordkeeping Requirements and Release of Information

A transportation network company is required to maintain and make available certain records to demonstrate its compliance to DMV. Records are also required to be maintained and made available to DMV, a law enforcement officer, an official of the Washington Metropolitan Area Transit Commission (WMATC), or an airport owner and operator to investigate and resolve a complaint or respond to an incident.

Information a TNC provides to the required officials is considered privileged information and may only be used by these entities for the purposes noted above. The information obtained by these entities is not subject to disclosure except on the written request of the DMV Commissioner, a law enforcement officer, an official of WMATC, or an airport owner and operator who requires the information for the authorized purposes noted above. The information obtained may not be released to any other party without the TNC's express written permission and is not subject to disclosure through a court order or as a result of a request under the Virginia Freedom of Information Act.

Records Required for Compliance Review Purposes

DMV is responsible for conducting compliance reviews of licensed transportation network companies. Reviews are conducted no more frequently than once a year. To facilitate the review a TNC is required to retain the following records for a period of three years and in a manner that permits systematic retrieval:

- ▶ True and accurate results of each national criminal history records check for each individual that the transportation network company authorizes to act as a TNC partner.
- ▶ True and accurate results of driver transcripts for each individual that the transportation network company authorizes to act as a TNC partner.
- ▶ Driver's license records of TNC partners, including records associated with participation in a driver record monitoring program.
- ▶ True and accurate results of the sex offender screening for each individual that the transportation network company authorizes to act as a TNC partner.
- ▶ Proof that each vehicle the TNC authorizes to operate as a TNC partner vehicle:
 - ▶ is a personal or rental vehicle (not registered for hire),
 - ▶ is validly titled and registered in Virginia or in another state,
 - ▶ has not been issued a certificate of title, either in Virginia or any other state, branding the vehicles as salvage, non repairable, rebuilt, or any equivalent classification,
 - ▶ has a valid Virginia safety inspection or an approved safety inspection from another state, and
 - ▶ is covered under a TNC insurance policy.
- ▶ Proof of compliance with the notice and disclosure requirements outlined in this manual.

Records Required to Support Investigations and Complaint/Incident Resolution

A transportation network company is required to maintain the following records and make them available to DMV, law enforcement, and other government and airport officials that are investigating a complaint or responding to an incident.

- ▶ Data regarding TNC partner activity while logged into the digital platform, including beginning and ending times and locations of each prearranged ride,
- ▶ Records regarding any actions taken against a TNC partner,
- ▶ Contracts or agreements between the transportation network company and its TNC partners,
- ▶ Information identifying each TNC partner, including the TNC partner's name, date of birth, and driver's license number and the state issuing the license, and

- ▶ Information identifying each TNC partner vehicle the transportation network company has authorized, including the vehicle's make, model, model year, vehicle identification number, and license plate number and the state issuing the license plate.

A TNC may require that requests for contracts or agreements and records regarding actions taken against a partner be made in writing.

TNC Required to Protect Personal Information

A transportation network company is required to safeguard personal information it maintains about a user of its digital platform and is not allowed to disclose any of its users' personal information, as defined in Va. Code § 2.2-3801, unless:

- ▶ The transportation network company obtains the user's consent to disclose the personal information,
- ▶ The disclosure is necessary to comply with a legal obligation, or
- ▶ The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

A TNC may disclose aggregated user data or information about a user that is not personal information as defined in Va. Code § 2.2-3801.

TNC Partner Requirements

A TNC partner is allowed to provide passenger transportation only on a prearranged basis and only by means of a digital platform that enables passengers to connect with TNC partners using a TNC partner vehicle. A TNC partner is not allowed to transport a passenger unless a transportation network company has matched the TNC partner to that passenger through the digital platform. A partner is not allowed to solicit, accept or arrange transportation except through a TNC's digital platform or a licensed TNC broker. Street hails are not permitted.

With the exception of certain rides arranged by transit systems on behalf of paratransit passengers (see "General Operational Requirements and Limitations," above), a TNC partner may not accept payment of fares directly from a passenger or any other person prearranging a ride or by any means other than electronically via a digital platform. Fares may only be collected through a digital platform.

Violations of these provisions carry strict penalties, including criminal penalties, civil penalties up to \$1,000 per violation, and a one-year ban from acting as a TNC partner.

A TNC partner may only transport passengers in a TNC partner vehicle with which it has been associated with by the TNC.

At all times while operating a TNC partner vehicle a TNC partner must carry proof of coverage under each in-force TNC insurance policy and each in-force personal automobile insurance policy covering the vehicle. A TNC may satisfy this requirement, at least with respect to TNC insurance, by making information about its TNC insurance policy available through its digital platform. The digital insurance information will suffice for proof of the TNC insurance provided the TNC partner can present the information to requesting officials or any person involved in an accident.

A TNC partner is required to carry a credential provided to it by the TNC at all times during the operation of a TNC partner vehicle and to present the credential upon request to law-enforcement officers, airport owners and operators, officials of WMATC, or a passenger. The credential may be displayed as part of the digital platform.

A TNC partner is required to have the equivalent of a manifest or trip sheet available within the digital platform at all times during a prearranged ride. The following trip information is required and must be presented to appropriate officials immediately upon request:

- ▶ The name of the transportation network company,
- ▶ The name of the TNC partner and the identification number issued to the TNC partner by the transportation network company,
- ▶ The license plate number of the TNC partner vehicle and the state issuing such license plate, and
- ▶ The location, date, and approximate time that each passenger was or will be picked up.

A TNC partner is required to comply with all applicable laws regarding nondiscrimination against passengers or potential passengers and to comply with the TNC's policy of nondiscrimination on the basis of a passenger's points of departure and destination.

A TNC partner must comply with all applicable laws relating to accommodation of service animals.

A TNC partner may refuse to transport a passenger for any reason not prohibited by law, including any case in which (i) the passenger is acting in an unlawful, disorderly, or endangering manner; (ii) the passenger is unable to care for himself and is not in the charge of a responsible companion; or (iii) the TNC partner has already committed to providing a ride for another passenger.

A TNC partner is required to immediately report to the transportation network company any refusal to transport a passenger after accepting a request to transport that passenger.

A TNC partner is not allowed to conduct any operation on the property of or into any airport unless such operation is authorized by the airport owner and operator and is in compliance with the rules and regulations of that airport.

A TNC partner must utilize a digital platform in a manner that is consistent with traffic laws of the Commonwealth.

A TNC partner may not operate a motor vehicle for more than 13 hours in any 24-hour period.

A TNC partner is required to inform each transportation network company that has authorized him to act as a TNC partner of any event that may disqualify him from continuing to act as a TNC partner, including any of the following: a change in the registration status of the TNC partner vehicle; the revocation, suspension, cancellation, or restriction of the TNC partner's driver's license; a change in the insurance coverage of the TNC partner vehicle; a motor vehicle moving violation; and a criminal arrest, plea, or conviction.

At all times a vehicle is being operated as a TNC partner vehicle it must display the official trade dress of the TNC(s) for which the partner is operating. See the *Trade Dress Requirements for TNC Partner Vehicles* section of this manual. It is illegal to display a TNC's trade dress without the authorization of the TNC issuing the trade dress.

Contact Information

For additional information or questions regarding intrastate operating authority requirements and transportation network company operations in Virginia, customers may contact one of our Motor Carrier Representatives at:

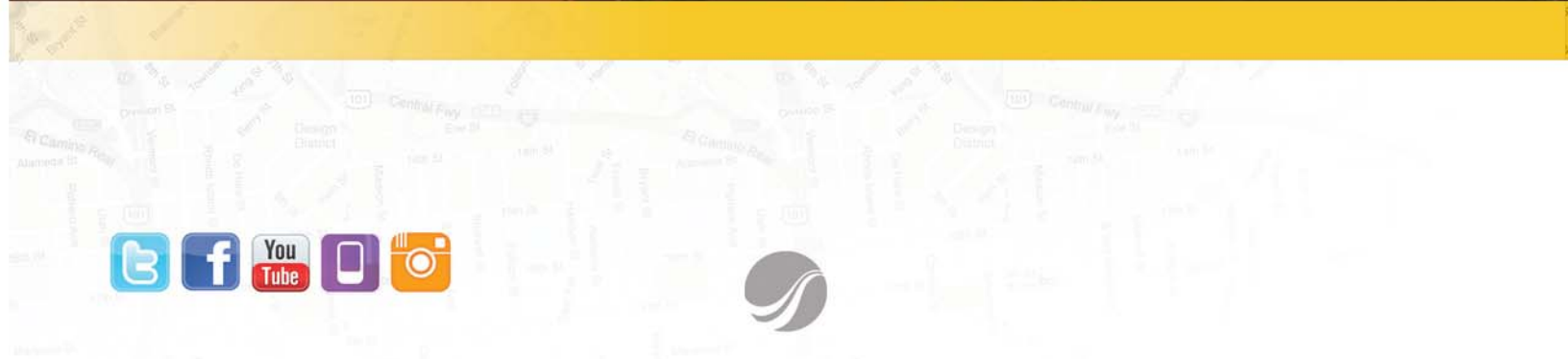
| | |
|-----------------------|--|
| Voice | (804) 249-5130 |
| Hearing impaired only | (800) 272-9268 |
| Fax | (804) 367-1003 |
| Email | mconline@dmv.virginia.gov |

You may also refer to the following publications for additional information.

- ▶ Virginia Motor Carrier Manual, DMV 248
- ▶ Transportation Network Companies/A Guide for TNC Drivers in Virginia, DMV 278

 **DMV**
www.dmvNow.com
Virginia Department of Motor Vehicles
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Virginia Department of Motor Vehicles

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