

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1075

1 AN ACT TO BRING FORWARD SECTIONS 77-8-1 THROUGH SECTION  
2 77-8-39, MISSISSIPPI CODE OF 1972, WHICH REGULATE TRANSPORTATION  
3 NETWORK COMPANIES, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 77-8-1, Mississippi Code of 1972, is  
7 brought forward as follows:

8 77-8-1. As used in this chapter:

9 (a) "Personal vehicle" means a vehicle that is used by  
10 a transportation network company driver and is:

11 (i) Owned, leased or otherwise authorized for use  
12 by the transportation network company driver; and

13 (ii) Not a common carrier by motor vehicle,  
14 contract carrier by motor vehicle, or restricted motor carrier  
15 under Chapter 7, Title 77, Mississippi Code of 1972.

16 (b) "Commissioner" means the Commissioner of Insurance.

17 (c) "Department" means the Mississippi Department of  
18 Insurance.



19           (d) "Digital network" means any online-enabled  
20 technology application service, website or system offered or  
21 utilized by a transportation network company that enables the  
22 prearrangement of rides with transportation network company  
23 drivers.

24           (e) "Transportation network company" means a  
25 corporation, partnership, sole proprietorship, or other entity  
26 that is licensed under this chapter and operating in Mississippi  
27 that uses a digital network to connect transportation network  
28 company riders to transportation network company drivers who  
29 provide prearranged rides. A transportation network company shall  
30 not be deemed to control, direct or manage the personal vehicles  
31 or transportation network company drivers that connect to its  
32 digital network, except where agreed to by written contract.

33           (f) "Transportation network company driver" or "driver"  
34 means an individual who:

35                   (i) Receives connections to potential passengers  
36 and related services from a transportation network company in  
37 exchange for payment of a fee to the transportation network  
38 company; and

39                   (ii) Uses a personal vehicle to offer or provide a  
40 prearranged ride to riders upon connection through a digital  
41 network controlled by a transportation network company in return  
42 for compensation or payment of a fee.



43 (g) "Transportation network company rider" or "rider"  
44 means an individual or persons who use a transportation network  
45 company's digital network to connect with a transportation network  
46 driver who provides prearranged rides to the rider in the driver's  
47 personal vehicle between points chosen by the rider.

48 (h) "Prearranged ride" means the provision of  
49 transportation by a driver to a rider, beginning when a driver  
50 accepts a ride requested by a rider through a digital network  
51 controlled by a transportation network company, continuing while  
52 the driver transports a requesting rider, and ending when the last  
53 requesting rider departs from the personal vehicle. A prearranged  
54 ride does not include transportation provided using a common  
55 carrier by motor vehicle, contract carrier by motor vehicle, or  
56 restricted motor carrier under Chapter 7, Title 77, Mississippi  
57 Code of 1972. A prearranged ride does not include shared expense  
58 carpool arrangements or vanpooling as defined in Section 77-7-7,  
59 or any other type of arrangement or service in which the driver  
60 receives a fee that does not exceed the driver's costs associated  
61 with providing the ride.

62 **SECTION 2.** Section 77-8-3, Mississippi Code of 1972, is  
63 brought forward as follows:

64 77-8-3. Transportation network companies or transportation  
65 network company drivers are not common carriers by motor vehicle,  
66 contract carriers by motor vehicle, or restricted motor carriers  
67 under Chapter 7, Title 77, Mississippi Code of 1972, nor do they



68 provide taxicab or limousine services. A transportation network  
69 company driver shall not be required to register the vehicle the  
70 driver uses to provide prearranged rides as a commercial vehicle.

71 **SECTION 3.** Section 77-8-5, Mississippi Code of 1972, is  
72 brought forward as follows:

73 77-8-5. (1) A person shall not operate a transportation  
74 network company in Mississippi without first having obtained a  
75 license from the department, provided that any transportation  
76 network company operating in this state before July 1, 2016, may  
77 continue operating until the department creates a license process  
78 and sets a registration deadline.

79 (2) The Department shall issue a license to each applicant  
80 that meets the requirements for a transportation network company  
81 as provided for in this chapter, and pays an annual license fee of  
82 Five Thousand Dollars (\$5,000.00) to the department.

83 **SECTION 4.** Section 77-8-7, Mississippi Code of 1972, is  
84 brought forward as follows:

85 77-8-7. The transportation network company shall maintain an  
86 agent for service of process in the State of Mississippi.

87 **SECTION 5.** Section 77-8-9, Mississippi Code of 1972, is  
88 brought forward as follows:

89 77-8-9. On behalf of a transportation network company  
90 driver, a transportation network company may charge a fare for the  
91 services provided to riders; however, if a fare is collected from  
92 a rider, the transportation network company shall disclose to the



rider the fare or fare calculation method on its website or within the online-enabled technology application service. The transportation network company shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the transportation network company driver's vehicle.

**SECTION 6.** Section 77-8-11, Mississippi Code of 1972, is brought forward as follows:

77-8-11. The transportation network company's online-enabled technology application or website shall display a picture of the transportation network company driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the transportation network company driver's vehicle.

**SECTION 7.** Section 77-8-13, Mississippi Code of 1972, is brought forward as follows:

77-8-13. Within a reasonable period of time following the completion of a trip, a transportation network company shall transmit an electronic receipt to the rider on behalf of the transportation network company driver that lists:

- (a) The origin and destination of the trip;
- (b) The total time and distance of the trip; and
- (c) An itemization of the total fare paid, if any.

**SECTION 8.** Section 77-8-15, Mississippi Code of 1972, is brought forward as follows:



77-8-15. (1) On or before July 1, 2016, and thereafter, a transportation network company driver or transportation network company on the driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the transportation network company's digital network; or

(b) While the driver is engaged in a prearranged ride.

(2) A participating transportation network company driver who is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride shall be covered by primary automobile liability insurance in the amount of at least Fifty Thousand Dollars (\$50,000.00) for death and bodily injury per person, One Hundred Thousand Dollar (\$100,000.00) for death and bodily injury per incident and Twenty-five Thousand Dollars (\$25,000.00) for property damage and uninsured motorist to the extent required by Section 83-11-101.

(3) The coverage requirements of subsection (2) of this section may be satisfied by any of the following:

(a) Automobile insurance maintained by the transportation network company driver; or

(b) Automobile insurance maintained by the transportation network company; or



(c) Any combination of paragraphs (a) and (b) of this subsection.

(4) (a) While a transportation network company driver is engaged in a prearranged ride he must be covered by a primary automobile liability insurance that provides at least One Million Dollars (\$1,000,000.00) for death, bodily injury and property damage and uninsured motorist to the extent required by Section 83-11-101.

(b) The coverage requirements of this subsection may be satisfied by any of the following:

(i) Automobile insurance maintained by the transportation network company driver; or

(ii) Automobile insurance maintained by the transportation network company; or

(iii) Any combination of paragraphs (a) and (b) of this subsection.

(5) If insurance maintained by driver in subsections (3) or (4) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and the insurer shall have the duty to defend such claim.

(6) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a



personal automobile insurance policy be required to first deny a claim.

(7) Insurance required by this section may be placed with an insurer licensed to do business in Mississippi or with a surplus lines insurer eligible under Section 83-21-17 et seq.

(8) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under the Mississippi Motor Vehicle Safety Responsibility Law Section 63-15-1 et seq.

(9) A transportation network company driver shall carry proof of coverage satisfying this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request. Upon a request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

**SECTION 9.** Section 77-8-17, Mississippi Code of 1972, is brought forward as follows:





192           77-8-17. The transportation network company shall disclose  
193 in writing to transportation network company drivers the following  
194 before they are allowed to accept a request for a prearranged ride  
195 on the transportation network company's digital network:

196           (a) The insurance coverage, including the types of  
197 coverage and the limits for each coverage, that the transportation  
198 network company provides while the transportation network company  
199 driver uses a personal vehicle in connection with a transportation  
200 network company's digital network; and

201           (b) That the transportation network company driver's  
202 own automobile insurance policy might not provide any coverage  
203 while the driver is logged on to the transportation network  
204 company's digital network and is available to receive  
205 transportation requests or is engaged in a prearranged ride,  
206 depending on its terms.

207           **SECTION 10.** Section 77-8-19, Mississippi Code of 1972, is  
208 brought forward as follows:

209           77-8-19. (1) Insurers that write automobile insurance in  
210 Mississippi may exclude any and all coverage afforded under the  
211 policy issued to an owner or operator of a personal vehicle for  
212 any loss or injury that occurs while a driver is logged on to a  
213 transportation network company's digital network or while a driver  
214 provides a prearranged ride. This right to exclude all coverage  
215 may apply to any coverage included in an automobile insurance  
216 policy including, but not limited to:



(a) Liability coverage for bodily injury and property damage;

(b) Uninsured and underinsured motorist coverage;

(c) Medical payments coverage;

(d) Comprehensive physical damage coverage; and

(e) Collision physical damage coverage.

(2) The exclusions provided for in subsection (1) of this section shall apply notwithstanding any requirement under the Mississippi Motor Vehicle Safety Responsibility Law, Section 63-15-1 et seq. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation. Nothing shall preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it chooses to do so by contract or endorsement.

(3) Automobile insurers that exclude the coverage described in Section 77-8-15 shall have no duty to defend or indemnify any claim expressly excluded. Nothing in this chapter shall invalidate or limit an exclusion contained in a policy including any policy in use or approved for use in Mississippi prior to July 1, 2016, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An



242 automobile insurer that defends or indemnifies a claim against a  
243 driver that is excluded under the terms of its policy, shall have  
244 a right of contribution against other insurers that provide  
245 automobile insurance to the same driver in satisfaction of the  
246 coverage requirements of Section 77-8-15 at the time of loss.

247 (4) In a claims coverage investigation, transportation  
248 network companies and any insurer providing coverage under Section  
249 77-8-15 shall cooperate to facilitate the exchange of relevant  
250 information with directly involved parties and any insurer of the  
251 transportation network company driver if applicable, including the  
252 precise times that a transportation network company driver logged  
253 on and off of the transportation network company's digital network  
254 in the twelve-hour period immediately preceding and in the  
255 twelve-hour period immediately following the accident and disclose  
256 to one another a clear description of the coverage, exclusions and  
257 limits provided under any automobile insurance maintained under  
258 Section 77-8-15.

259 **SECTION 11.** Section 77-8-21, Mississippi Code of 1972, is  
260 brought forward as follows:

261 77-8-21. Drivers shall be independent contractors and not  
262 employees of the transportation network company if all of the  
263 following conditions are met:

264 (a) The transportation network company does not  
265 prescribe specific hours during which a transportation network



company driver must be logged into the transportation network  
company's digital platform;

(b) The transportation network company imposes no  
restrictions on the transportation network company driver's  
ability to utilize digital platforms from other transportation  
network companies;

(c) The transportation network company does not assign  
a transportation network company driver a particular territory in  
which to operate;

(d) The transportation network company does not  
restrict a transportation network company driver from engaging in  
any other occupation or business; and

(e) The transportation network company and  
transportation network company driver agree in writing that the  
driver is an independent contractor of the transportation network  
company.

**SECTION 12.** Section 77-8-23, Mississippi Code of 1972, is  
brought forward as follows:

77-8-23. (1) The transportation network company shall  
implement a zero tolerance policy regarding a transportation  
network company driver's activities while accessing the  
transportation network company's digital platform. The zero  
tolerance policy shall address the use of drugs or alcohol while a  
transportation network company driver is providing prearranged  
rides or is logged into the transportation network company's



digital network but is not providing prearranged rides, and the transportation network company shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(2) Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the transportation network company shall suspend such transportation network company driver's access to the transportation network company's digital platform as soon as possible, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(3) The transportation network company shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the transportation network company.

**SECTION 13.** Section 77-8-25, Mississippi Code of 1972, is brought forward as follows:

77-8-25. (1) Before allowing an individual to accept trip requests through a transportation network company's digital platform as a transportation network company driver:

(a) The individual shall submit an application to the transportation network company, which includes information regarding his or her address, age, driver's license, motor vehicle



registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(i) Multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(ii) United States Department of Justice National Sex Offender Public Website;

(2) The transportation network company shall review, or have a third party review, a driving history research report for such individual.

(3) The transportation network company shall not permit an individual to act as a transportation network company driver on its digital platform who:

(a) Has had more than three (3) moving violations in the prior three-year period, or one (1) of the following major violations in the prior three-year period:

(i) Attempting to evade the police;

(ii) Reckless driving; or

(iii) Driving on a suspended or revoked license;

(b) Has been convicted, within the past seven years, of

(i) Any felony; or



(ii) Misdemeanor driving under the influence,  
reckless driving, hit and run, or any other driving-related  
offense or any misdemeanor violent offense or sexual offense;  
(c) Is a match in the United States Department of  
Justice National Sex Offender Public Website;  
(d) Does not possess a valid driver's license;  
(e) Does not possess proof of registration for the  
motor vehicle used to provide prearranged rides;  
(f) Does not possess proof of automobile liability  
insurance for the motor vehicle used to provide prearranged rides;  
or  
(g) Is not at least nineteen (19) years of age.

**SECTION 14.** Section 77-8-27, Mississippi Code of 1972, is  
brought forward as follows:

77-8-27. A transportation network company driver shall not  
solicit or accept street hails.

**SECTION 15.** Section 77-8-29, Mississippi Code of 1972, is  
brought forward as follows:

77-8-29. The transportation network company shall adopt a  
policy prohibiting solicitation or acceptance of cash payments for  
the fares charged to riders for prearranged rides and notify  
transportation network company drivers of the policy.  
Transportation network company drivers shall not solicit or accept  
cash payments from riders.



**SECTION 16.** Section 77-8-31, Mississippi Code of 1972, is brought forward as follows:

77-8-31. (1) The transportation network company shall adopt a policy of nondiscrimination with respect to riders and potential riders and notify transportation network company drivers of the policy.

(2) Transportation network company drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders.

(3) Transportation network company drivers shall comply with all applicable laws relating to accommodation of service animals.

(4) A transportation network company shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

**SECTION 17.** Section 77-8-33, Mississippi Code of 1972, is brought forward as follows:

77-8-33. A transportation network company shall maintain the following customer records:

(a) Individual trip records for at least one (1) year from the date each trip was provided; and

(b) Individual records of transportation network company driver customers at least until the one-year anniversary of the date on which a transportation network company driver's customer relationship with the transportation network company has ended.





389           **SECTION 18.** Section 77-8-35, Mississippi Code of 1972, is  
390 brought forward as follows:

391           77-8-35. (1) For the sole purpose of verifying that a  
392 transportation network company is in compliance with the  
393 requirements of this chapter and not more than annually, the  
394 commissioner shall have the right to visually inspect a sample of  
395 records that the transportation network company is required to  
396 maintain. The sample shall include required records pertaining to  
397 up to fifty (50) transportation network drivers, provided that the  
398 transportation network company shall undertake best efforts not to  
399 share records about the same transportation network company driver  
400 during consecutive reporting periods. If, after this initial  
401 review, the commissioner has a reasonable basis to conclude that  
402 the transportation network company is not in compliance with the  
403 requirements of this chapter, the commissioner may, upon  
404 reasonable notice, conduct a supplemental audit of records for an  
405 additional selection of transportation network company drivers.  
406 The audit shall take place at a mutually agreed location in  
407 Mississippi. The expenses of the examination shall be borne and  
408 paid by the transportation network company that is under  
409 examination.

410           (2) Documents, materials or other information, including,  
411 but not limited to, all working papers, and copies thereof,  
412 created, produced or obtained by or disclosed to the commissioner  
413 or any other person in the course of an examination made under



414 this chapter shall be confidential by law and privileged, and  
415 shall not be subject to the Mississippi Public Records Act. The  
416 commissioner is authorized to use the documents, materials or  
417 other information in the furtherance of any regulatory or legal  
418 action brought as part of the commissioner's official duties.

419 (3) In order to assist in the performance of the  
420 commissioner's duties, the commissioner may share confidential and  
421 privileged documents, materials or other information, with other  
422 state, federal and international regulatory agencies, and with  
423 state, federal and international law enforcement authorities,  
424 provided that the recipient agrees to maintain the confidentiality  
425 and privileged status of the document, material, communication or  
426 other information. The commissioner may enter into agreements  
427 governing the sharing and use of information consistent with this  
428 subsection.

429 (4) No waiver of any applicable privilege or claim of  
430 confidentiality in the documents, materials or information shall  
431 occur as a result of disclosure to the commissioner under this  
432 section or as a result of sharing as authorized in subsection (3)  
433 of this section.

434 (5) In response to a specific complaint against any  
435 transportation network company driver or transportation network  
436 company, the commissioner is authorized to inspect records held by  
437 the transportation network company that are necessary to  
438 investigate and resolve the complaint.



**SECTION 19.** Section 77-8-37, Mississippi Code of 1972, is brought forward as follows:

77-8-37. (1) Transportation network companies and transportation network company drivers are governed exclusively by this chapter and any rules promulgated by the commissioner consistent with this chapter. A county, municipality or other local entity may not:

(a) Impose a tax on, or require a license for, a transportation network company, a transportation network company driver or a vehicle used by a transportation network company driver where the tax or licenses relate to providing prearranged rides;

(b) Require a transportation network company or a transportation network company driver to obtain a business license or any other type of similar authorization to operate within the jurisdiction; or

(c) Subject a transportation network company or a transportation network company driver to any type of rate, entry, operational or other requirements.

(2) Notwithstanding subsection (1) of this section, a county, municipality or other local entity that owns or operates an airport, may adopt reasonable regulations relating to the duties and responsibilities on airport property of a transportation network company or transportation network company driver, including its ability to impose reasonable fees and



464 vehicle tracking requirements on a transportation network company  
465 or its affiliated transportation network company drivers, but  
466 excluding its ability to impose other fees, taxes, registration,  
467 licensing or special insurance requirements on transportation  
468 network company drivers, and excluding its ability to impose  
469 requirements with respect to special markings or identification  
470 other than that provided for in Section 77-8-11, and excluding its  
471 ability to impose requirements for equipment.

472       **SECTION 20.** Section 77-8-39, Mississippi Code of 1972, is  
473 brought forward as follows:

474       77-8-39. The commissioner may adopt rules and regulations  
475 necessary to ensure compliance with this chapter.

476       **SECTION 21.** This act shall take effect and be in force from  
477 and after July 1, 2022.

