

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 391  
PROPOSED COMMITTEE SUBSTITUTE H391-PCS40476-BG-31

Short Title: Passenger Protection Act.

(Public)

Sponsors:

Referred to:

March 20, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND SAFETY REQUIREMENTS FOR TRANSPORTATION NETWORK  
3 COMPANIES; CREATE A CRIMINAL OFFENSE FOR IMPERSONATING A  
4 TRANSPORTATION NETWORK COMPANY DRIVER; ESTABLISH THE  
5 COMMISSION TO STUDY TRANSPORTATION NETWORK COMPANY PASSENGER  
6 SAFETY; AND CREATE A STUDENT AWARENESS CAMPAIGN RELATING TO  
7 TRANSPORTATION NETWORK COMPANIES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. This act shall be known as the "Passenger Protection Act" and may be  
10 cited by that name.

11 SECTION 2.(a) G.S. 20-280.5 reads as rewritten:

12 "§ 20-280.5. Safety requirements.

13 (a) The transportation network company must require TNC drivers have their vehicles  
14 inspected annually to meet State safety requirements. The Division may, by regulation, specify  
15 alternative inspections that are acceptable as equivalent inspections, such as an inspection  
16 performed in another state. This subsection does not apply to brokering transportation network  
17 companies.

18 (b) The transportation network company's online-enabled application or platform must  
19 provide the following information to customers after a ride request is accepted by a TNC driver:

- 20 (1) Photograph of the TNC driver.
- 21 (2) License plate number of the TNC driver's vehicle.
- 22 (3) Description of the TNC driver's vehicle.
- 23 (4) Approximate location of the TNC driver's vehicle displayed on a map.

24 (c) The transportation network company must maintain the following records:

- 25 (1) The record of each TNC service provided in this State for one year from the  
26 date the TNC service occurred.
- 27 (2) The record of each TNC ~~driver~~ driver, which includes a driver's name and  
28 current address, in this State for one year from the date the TNC driver  
29 terminated their relationship with the transportation network company.

30 (d) The transportation network company must require a TNC driver to display the license  
31 plate number of the TNC driver's vehicle in a location that is visible from the front of the vehicle  
32 at the time a TNC service begins and at all times during a TNC service. The vehicle's license  
33 plate number displayed pursuant to this subsection must be printed in a legible font no smaller  
34 than the font of the license plate on the vehicle but is not required to be permanently mounted on  
35 the vehicle.



1 (e) The transportation network company must require a TNC driver to display consistent  
2 and distinctive signage or emblems, known as a trade dress, trademark, branding, or logo of the  
3 TNC, on the TNC driver's vehicle at all times when the TNC driver is active on the TNC digital  
4 platform or when providing any TNC service. The TNC signage or emblems required by this  
5 subsection may be magnetic or removable in nature, must be approved by the Division before  
6 use, and meet all of the following requirements:

7 (1) Be readable during daylight hours at a distance of 50 feet.

8 (2) Include an illuminated, TNC-provided sign displaying the TNC's proprietary  
9 trademark or logo that is clearly visible so as to be seen in darkness."

10 **SECTION 2.(b)** G.S. 20-280.5(e), as enacted by this section, becomes effective July  
11 1, 2020. The remainder of this section becomes effective October 1, 2019.

12 **SECTION 2.5.(a)** G.S. 20-280.6(c) reads as rewritten:

13 "(c) The transportation network company must not permit an individual to act as a TNC  
14 driver if any of the following apply:

15 ...

16 (7) Is not at least ~~19~~21 years of age."

17 **SECTION 2.5.(b)** This section becomes effective October 1, 2019.

18 **SECTION 3.(a)** Article 35 of Chapter 14 of the General Statutes is amended by  
19 adding a new section to read:

20 **"§ 14-276.2. Impersonation of a transportation network company driver.**

21 It shall be unlawful for any person to impersonate a transportation network company (TNC)  
22 driver, as defined in G.S. 20-280.1, by a false statement, false display of distinctive signage or  
23 emblems known as a trade dress, trademark, branding, or logo of the TNC, or any other act which  
24 falsely represents that the person has a current connection with a transportation network company  
25 or falsely represents that the person is responding to a passenger ride request for a transportation  
26 network company. A violation of this section is a Class H felony if the person impersonates a  
27 TNC driver during the commission of a separate felony offense. Any other violation of this  
28 section is a Class 2 misdemeanor."

29 **SECTION 3.(b)** This section becomes effective December 1, 2019, and applies to  
30 offenses committed on or after that date.

31 **SECTION 4.(a)** There is established a Commission to Study Transportation  
32 Network Company Passenger Safety.

33 **SECTION 4.(b)** The Commission shall be composed of 11 members as follows:

34 (1) Five members appointed by the President Pro Tempore of the Senate to  
35 include at least one member of the Senate, at least one representative of  
36 business and industry in the private sector familiar with transportation  
37 network companies, and at least one representative of law enforcement.

38 (2) Five members appointed by the Speaker of the House of Representatives to  
39 include at least one member of the House of Representatives, at least one  
40 representative of business and industry in the private sector familiar with  
41 transportation network companies, and at least one representative of law  
42 enforcement.

43 (3) The Secretary of Transportation or the Secretary's designee.

44 **SECTION 4.(c)** The Commission shall study issues relating to transportation  
45 network companies and their operation within the State. The Commission shall consider issues  
46 such as public safety, enforcement of laws relating to transportation network companies and TNC  
47 drivers, the necessity for a statutory requirement that a TNC report driver status and driver  
48 information to the Division of Motor Vehicles of the North Carolina Department of  
49 Transportation, and any other issue the Commission deems relevant.

50 **SECTION 4.(d)** Cochairs of the Commission shall be designated by the President  
51 Pro Tempore of the Senate and the Speaker of the House of Representatives from among their

1 respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of  
2 the Commission shall be six members. Any vacancy on the Commission shall be filled by the  
3 appointing authority.

4 **SECTION 4.(e)** Members of the Commission shall receive per diem, subsistence,  
5 and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
6 Commission may meet in the Legislative Building or the Legislative Office Building. With  
7 approval of the Legislative Services Commission, the Legislative Services Officer shall assign  
8 professional staff to assist the Commission in its work. The House of Representatives' and the  
9 Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission. All  
10 State departments, agencies, local governments, and their subdivisions shall furnish the  
11 Commission with any information in their possession or available to them upon request.

12 **SECTION 4.(f)** The Commission shall make an interim report of its findings,  
13 recommendations, and legislative recommendations to the 2020 Session of the 2019 General  
14 Assembly and shall make a final report of its findings and recommendations to the 2021 General  
15 Assembly. The Commission shall terminate upon the filing of its final report.

16 **SECTION 5.(a)** There is appropriated from the General Fund to the Board of  
17 Governors of The University of North Carolina the sum of one hundred thousand dollars  
18 (\$100,000) in nonrecurring funds for the 2020-2021 fiscal year to develop and implement an  
19 awareness campaign to educate students at constituent institutions on what information a TNC  
20 must provide to help customers identify TNC drivers, pursuant to Article 10A of Chapter 20 of  
21 the General Statutes and additional identification requirements as enacted by Section 2 of this  
22 act.

23 **SECTION 5.(b)** This section becomes effective July 1, 2020.

24 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes  
25 law.