

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 391  
Committee Substitute Favorable 6/4/19  
Committee Substitute #2 Favorable 6/26/19

Short Title: Passenger Protection Act.

(Public)

Sponsors:

Referred to:

March 20, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND VARIOUS TRANSPORTATION NETWORK COMPANY LAWS,  
3 CREATE NEW CRIMINAL OFFENSES RELATING TO TRANSPORTATION  
4 NETWORK COMPANY DRIVERS, AND TO APPROPRIATE FUNDS TO ASSIST IN  
5 CREATING STUDENT AWARENESS CAMPAIGNS RELATING TO  
6 TRANSPORTATION NETWORK COMPANIES.

7 The General Assembly of North Carolina enacts:

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

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

11 "**§ 20-280.5. Safety requirements.**

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

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

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

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

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

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



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 52 of Chapter 14 of the General Statutes is amended by  
19 adding a new section to read:

20 **"§ 14-401.26. TNC driver failure to display license plate information.**

21 It shall be unlawful for a transportation network company (TNC) driver, as defined in  
22 G.S. 20-280.1, to fail to display the license plate number of the TNC driver's vehicle as required  
23 by G.S. 20-280.5(d). A violation of this section shall be an infraction and shall be punishable by  
24 a fine of two hundred fifty dollars (\$250.00)."

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

27 **SECTION 3.3.(a)** Article 52 of Chapter 14 of the General Statutes is amended by  
28 adding a new section to read:

29 **"§ 14-401.27. Impersonation of a transportation network company driver.**

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

38 **SECTION 3.3.(b)** This section becomes effective December 1, 2019, and applies to  
39 offenses committed on or after that date.

40 **SECTION 3.5.(a)** G.S. 14-33(c) is amended by adding a new subdivision to read:

41 "(9) Assaults a transportation network company (TNC) driver providing a  
42 transportation network company (TNC) service. For the purposes of this  
43 subdivision the definitions for "TNC driver" and "TNC service" as defined in  
44 G.S. 20-280.1 shall apply."

45 **SECTION 3.5.(b)** This section becomes effective December 1, 2019, and applies to  
46 offenses committed on or after that date.

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

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

50 (1) Five members appointed by the President Pro Tempore of the Senate to  
51 include at least one member of the Senate, at least one representative of

1 business and industry in the private sector familiar with transportation  
2 network companies, and at least one representative of law enforcement.

3 (2) Five members appointed by the Speaker of the House of Representatives to  
4 include at least one member of the House of Representatives, at least one  
5 representative of business and industry in the private sector familiar with  
6 transportation network companies, and at least one representative of law  
7 enforcement.

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

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

15 **SECTION 4.(d)** Cochairs of the Commission shall be designated by the President  
16 Pro Tempore of the Senate and the Speaker of the House of Representatives from among their  
17 respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of  
18 the Commission shall be six members. Any vacancy on the Commission shall be filled by the  
19 appointing authority.

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

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

32 **SECTION 5.(a)** There is appropriated from the General Fund to the Division of  
33 Motor Vehicles of the North Carolina Department of Transportation the sum of five hundred  
34 thousand dollars (\$500,000) in nonrecurring funds for the 2020-2021 fiscal year as grant funds  
35 to match higher education institution funds to develop and implement an awareness campaign to  
36 educate students at institutions of higher education. These funds shall not revert and may be used  
37 as grant funds until fully awarded.

38 **SECTION 5.(b)** The primary focus of the awareness campaign is what information  
39 a TNC must provide to help customers identify TNC drivers, pursuant to Article 10A of Chapter  
40 20 of the General Statutes and additional identification requirements as enacted by Section 2 of  
41 this act. The campaign may also include any information the institution deems relevant.

42 **SECTION 5.(c)** North Carolina institutions of higher education, including  
43 constituent institutions, community colleges, and private postsecondary institutions located in  
44 the State, may apply for this grant on a form created by the Division, and submitting a brief  
45 summary of its plan to develop and implement the awareness campaign, cost estimate, and  
46 evidence of institution funds committed for this purpose.

47 **SECTION 5.(d)** The Division shall provide one dollar (\$1.00) for the matching grant  
48 for every non-State dollar committed by an applicant. The maximum matching grant to an  
49 applicant is ten thousand dollars (\$10,000) per fiscal year.

50 **SECTION 5.(e)** This section becomes effective July 1, 2020.

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