

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
Senate Judiciary Committee Substitute Adopted 7/8/19
Senate Transportation Committee Substitute Adopted 7/10/19
Sixth Edition Engrossed 7/22/19

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 AND TO CREATE NEW CRIMINAL OFFENSES RELATING TO TRANSPORTATION
4 NETWORK COMPANY DRIVERS.

5 The General Assembly of North Carolina enacts:

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

8 SECTION 2.(a) G.S. 20-280.5 reads as rewritten:
9 "§ 20-280.5. Safety requirements.

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

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

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

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

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



1 font no smaller than three inches in height but is not required to be permanently mounted on the
2 vehicle. A TNC driver is not required to obtain approval from the transportation network
3 company or the Division for a license plate number display required by this subsection.

4 (e) Except as provided in subsection (f) of this section, a transportation network company
5 must require a TNC driver to display consistent and distinctive signage or emblems, known as a
6 trade dress, trademark, branding, or logo of the TNC, on the TNC driver's vehicle at all times
7 when the TNC driver is active on the TNC digital platform or when providing any TNC service
8 that reasonably assists customers to identify or verify a TNC driver responding to a ride request.
9 TNC signage or emblems required by this subsection may include magnetic or removable signage
10 or emblems, must be approved by the Division before use, and must meet all of the following
11 requirements:

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

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

15 (f) A transportation network company may seek approval from the Division for
16 technological identifiers as an alternative to the distinctive signage or emblems required by
17 subsection (e) of this section. The Division may approve an alternative technological identifier
18 if it reasonably assists customers to identify or verify a TNC driver responding to a ride request.
19 If approved by the Division, the approved technological identifier must be used by a TNC driver
20 at all times when the TNC driver is active on the TNC digital platform or when providing any
21 TNC service."

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

24 **SECTION 3.(a)** Article 52 of Chapter 14 of the General Statutes is amended by
25 adding a new section to read:

26 **"§ 14-401.26. TNC driver failure to display license plate information.**

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

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

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

35 **"§ 14-401.27. Impersonation of a transportation network company driver.**

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

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

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

47 "(9) Assaults a transportation network company (TNC) driver providing a
48 transportation network company (TNC) service. For the purposes of this
49 subdivision, the definitions for "TNC driver" and "TNC service" as defined in
50 G.S. 20-280.1 shall apply."

1 **SECTION 3.5.(b)** This section becomes effective December 1, 2019, and applies to
2 offenses committed on or after that date.
3 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
4 law.