



2019 SENATE BILL 255

June 6, 2019 - Introduced by Senators LARSON, RISSER, BEWLEY, HANSEN, SMITH and L. TAYLOR, cosponsored by Representatives SUBECK, SINICKI, C. TAYLOR, SARGENT, CONSIDINE, ANDERSON, VRUWINK, SKOWRONSKI, FIELDS and SPREITZER. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to repeal** 440.44 (1) (title) and 440.44 (2) (title); **to renumber** 440.43 and
2 440.44 (1); **to renumber and amend** 440.44 (2) (a), 440.44 (2) (b) and 440.44
3 (2) (c); **to amend** 440.43 (title), 440.445 (1) (b) (intro.), 440.445 (3), 440.49 (3)
4 and 440.495; and **to create** 440.43 (2), 440.453 (title), 440.453 (1) (b), 440.453
5 (1) (c) and 440.453 (3) of the statutes; **relating to:** regulation of transportation
6 network companies and their drivers and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes several changes to the laws governing transportation network companies (TNCs) and their participating drivers in Wisconsin, including the following:

1. Requires each TNC to establish complaint procedures for 1) reporting a participating driver's discrimination against a passenger or prospective passenger; and 2) reporting a participating driver's suspected sex offense or crime involving fraud, theft, damage to property, violence, an act of terror, or the use of a motor vehicle in the commission of a crime. Under current law, a TNC is required to establish complaint procedures only with respect to reporting violations of the TNC's required policy of zero tolerance for a participating driver's use of drugs or alcohol.

2. Requires that a TNC immediately suspend a participating driver who is the subject of a complaint described above, investigate the complaint, and maintain all records of the investigation for at least two years. Those requirements currently

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apply only with respect to complaints alleging violations of a TNC's zero tolerance drug and alcohol policy.

3. Requires a TNC to inform the Department of Safety and Professional Services of each complaint the TNC receives with respect to a subject matter covered by the complaint procedures required under the bill and under current law. The TNC must also inform DSPS once a complaint is resolved.

4. Requires each participating driver to prominently display a copy of his or her driver's license and a copy of the TNC's complaint procedures in the participating driver's vehicle.

5. Requires a TNC to have a third party conduct a criminal background check for each individual applying to be a participating driver for the TNC. Currently, a TNC has the option to conduct the criminal background check itself.

6. Raises the potential monetary penalty from \$1,000 to \$5,000 for a TNC violating laws governing transportation network services and from \$1,000 to \$2,500 for all other persons violating those laws.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.43 (title) of the statutes is amended to read:

2 **440.43 (title) Identification of participating drivers; display of**
3 **information in personal vehicles.**

4 **SECTION 2.** 440.43 of the statutes is renumbered 440.43 (1).

5 **SECTION 3.** 440.43 (2) of the statutes is created to read:

6 **440.43 (2)** A participating driver shall prominently display all of the following
7 in the participating driver's personal vehicle at all times while the participating
8 driver is engaged in transportation network services:

9 (a) A copy of the participating driver's valid driver's license.

10 (b) A copy of the licensed company's complaint procedures required under s.
11 440.453.

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1 **SECTION 4.** 440.44 (1) (title) of the statutes is repealed.

2 **SECTION 5.** 440.44 (1) of the statutes is renumbered 440.44.

3 **SECTION 6.** 440.44 (2) (title) of the statutes is repealed.

4 **SECTION 7.** 440.44 (2) (a) of the statutes is renumbered 440.453 (1) (intro.) and
5 amended to read:

6 440.453 (1) (intro.) Each licensed company shall develop, implement, and
7 make available on its Internet site, complaint procedures for reports all of the
8 following:

9 (a) The report of a suspected violations violation by a participating driver of the
10 policy under sub. (1) s. 440.44.

11 **SECTION 8.** 440.44 (2) (b) of the statutes is renumbered 440.453 (2) and
12 amended to read:

13 440.453 (2) Upon receipt of a complaint ~~concerning a violation of a licensed~~
14 ~~company's policy~~ under sub. (1) (a) to (c), the licensed company shall immediately
15 suspend the participating driver and investigate the complaint. The suspension
16 shall continue until the complaint is resolved.

17 **SECTION 9.** 440.44 (2) (c) of the statutes is renumbered 440.453 (4) and
18 amended to read:

19 440.453 (4) Each licensed company shall maintain all records of each
20 investigation under ~~par. (b)~~ sub. (2), including the results of that investigation and
21 any action taken based on that investigation, for at least 2 years after the date the
22 complaint was received by the licensed company.

23 **SECTION 10.** 440.445 (1) (b) (intro.) of the statutes is amended to read:

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1 440.445 (1) (b) (intro.) ~~Conduct, or have~~ Have a 3rd party conduct, a local and
2 national criminal background check for the individual that includes all of the
3 following:

4 **SECTION 11.** 440.445 (3) of the statutes is amended to read:

5 440.445 (3) VEHICLE SAFETY AND EMISSIONS. Each licensed company shall ensure
6 that each motor vehicle a participating driver uses to provide transportation
7 network services for the licensed company is a personal vehicle that satisfies all state
8 vehicle safety and emissions standards for private motor vehicles and is not titled as
9 a salvage vehicle.

10 **SECTION 12.** 440.453 (title) of the statutes is created to read:

11 **440.453 (title) Complaint procedures.**

12 **SECTION 13.** 440.453 (1) (b) of the statutes is created to read:

13 440.453 (1) (b) The report of a suspected violation by a participating driver of
14 the policy under s. 440.45 (1) or of the prohibition against discrimination under s.
15 440.45 (2).

16 **SECTION 14.** 440.453 (1) (c) of the statutes is created to read:

17 440.453 (1) (c) The report of a suspected sex offense or crime involving fraud,
18 theft, damage to property, violence, an act of terror, or the use of a motor vehicle in
19 the commission of a crime, committed by a participating driver.

20 **SECTION 15.** 440.453 (3) of the statutes is created to read:

21 440.453 (3) Upon receipt of a complaint under sub. (1) (a) to (c), the licensed
22 company shall inform the department of the complaint and provide the department
23 with a copy of the complaint if made in writing. Upon resolution of the complaint,
24 the licensed company shall inform the department concerning how the complaint

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1 was resolved, including a description of any action taken by the licensed company
2 based on its investigation under sub. (2).

3 **SECTION 16.** 440.49 (3) of the statutes is amended to read:

4 440.49 (3) FORFEITURES. In addition to or in lieu of a reprimand or other action
5 under sub. (2), the department may assess against a licensed company, for the
6 violations enumerated under sub. (2), a forfeiture of not more than ~~\$1,000~~ \$5,000 for
7 each separate offense.

8 **SECTION 17.** 440.495 of the statutes is amended to read:

9 **440.495 Penalties.** Any person who violates this subchapter or any rule
10 promulgated under this subchapter may be fined not more than ~~\$1,000~~ \$2,500.

11 **SECTION 18. Initial applicability.**

12 (1) The treatment of ss. 440.49 (3) and 440.495 first applies to a violation that
13 occurs on the effective date of this subsection.

14 (END)