

**2015 Assembly Bill 143 (LRB -1723)**

An Act to amend 194.01 (1) and 194.01 (2); and to create 340.01 (23g) (b) 4., 440.08 (2) (a) 69m. and subchapter IV of chapter 440 [precedes 440.40] of the statutes; relating to: regulation of transportation network companies, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty. (FE)

**2015**

03-31.	A.	Introduced by Representatives <b>August, Mason, Petersen, Zamarripa, Brandtjen, Brostoff, Czaja, Doyle, Edming, Genrich, Jagler, Kleefisch, Knudson, Kuglitsch, Kulp, Macco, Nygren, Riemer, Rohraste, Spiros, Steffen, Tauchen, Tranel, Vorpapel, Wachs, Swearingen, Ripp, Danou, Schraa, Weatherston, Bowen, Barnes, Craig and Thiesfeldt</b> ; cosponsored by Senators <b>Farrow, Lassa, Lasee, Gudex, Marklein, Nass, Vukmir and Wanggaard</b> .....	104
03-31.	A.	Read first time and referred to Committee on State Affairs and Government Operations .....	104
04-01.	A.	Senator Harris Dodd added as a cosponsor .....	106
04-08.	A.	Representative Goyke added as a coauthor .....	113
04-02.	A.	Fiscal estimate received	
04-02.	A.	Public hearing held	
04-08.	A.	Assembly Amendment 1 offered by Representatives August and Mason ( <b>LRB a0298</b> ) .....	108
04-08.	A.	Assembly Amendment 2 offered by Representatives Brostoff, Ohnstad, Sinicki and Zamarripa ( <b>LRB a0302</b> ) .....	108
04-08.	A.	Assembly Amendment 3 offered by Representatives Zamarripa, Brostoff and Sinicki ( <b>LRB a0305</b> ) .....	108
04-08.	A.	Assembly Amendment 4 offered by Representatives Zamarripa, Brostoff and Sinicki ( <b>LRB a0306</b> ) .....	108
04-08.	A.	Senator L. Taylor added as a cosponsor .....	114
04-08.	A.	Executive action taken	
04-08.	A.	Report Assembly Amendment 1 adoption recommended by Committee on State Affairs and Government Operations, Ayes 13, Noes 0 .....	111
04-08.	A.	Report passage as amended recommended by Committee on State Affairs and Government Operations, Ayes 11, Noes 2 .....	111
04-08.	A.	Referred to committee on Rules .....	111
04-09.	A.	Placed on calendar 4-14-2015 by Committee on Rules	
04-14.	A.	Read a second time .....	125
04-14.	A.	Assembly Amendment 1 <b>adopted</b> .....	125
04-14.	A.	Assembly Amendment 5 offered by Representatives August and Mason ( <b>LRB a0332</b> ) .....	125
04-14.	A.	Assembly Amendment 5 <b>adopted</b> .....	125
04-14.	A.	Assembly Amendment 6 offered by Representatives Zamarripa, Barca, Shankland and Mason ( <b>LRB a0336</b> ) .....	125
04-14.	A.	Assembly Amendment 6 laid on table, Ayes 63, Noes 36 .....	125
04-14.	A.	Assembly Amendment 7 offered by Representative Zamarripa ( <b>LRB a0335</b> ) .....	126
04-14.	A.	Assembly Amendment 7 laid on table, Ayes 63, Noes 36 .....	126
04-14.	A.	Assembly Substitute Amendment 1 offered by Representatives Shankland, Barca, Hebl, Wachs and Spreitzer ( <b>LRB s0070</b> ) .....	126
04-14.	A.	Assembly Substitute Amendment 1 laid on table, Ayes 66, Noes 33 .....	126
04-14.	A.	Assembly Substitute Amendment 2 offered by Representatives Subeck, Sargent, Zepnick, Kahl, Wachs, Spreitzer, Hebl, C. Taylor and Hintz ( <b>LRB s0065</b> ) .....	126
04-14.	A.	Assembly Substitute Amendment 2 laid on table, Ayes 69, Noes 30 .....	126
04-14.	A.	Assembly Amendment 8 offered by Representatives Brostoff, Johnson, Wachs, Spreitzer, Zepnick and Ohnstad ( <b>LRB a0333</b> ) .....	126
04-14.	A.	Assembly Amendment 8 laid on table, Ayes 63, Noes 36 .....	126
04-14.	A.	Assembly Amendment 9 offered by Representatives Subeck, Sargent, Zepnick, Kahl, Wachs, Spreitzer, Hebl, C. Taylor, Goyke and Bowen ( <b>LRB a0312</b> ) .....	127
04-14.	A.	Assembly Amendment 9 laid on table, Ayes 67, Noes 32 .....	127
04-14.	A.	Assembly Amendment 10 offered by Representatives Kahl, Wachs, Bowen, Zepnick, Genrich, Goyke and Ohnstad ( <b>LRB a0314</b> ) .....	127
04-14.	A.	Assembly Amendment 10 laid on table, Ayes 64, Noes 35 .....	127
04-14.	A.	Assembly Amendment 11 offered by Representatives Kahl, Wachs, Bowen, Zepnick, Genrich, Goyke and Ohnstad ( <b>LRB a0315</b> ) .....	127
04-14.	A.	Assembly Amendment 11 laid on table, Ayes 67, Noes 32 .....	127
04-14.	A.	Assembly Amendment 12 offered by Representatives Zepnick, C. Taylor, Zamarripa, Goyke, Brostoff, Subeck and Berceau ( <b>LRB a0353</b> ) .....	128
04-14.	A.	Assembly Amendment 12 laid on table, Ayes 63, Noes 35 .....	128
04-14.	A.	Representatives Kooyenga and Heaton added as coauthors .....	128
04-14.	A.	Ordered to a third reading .....	128
04-14.	A.	Rules suspended .....	128

04-14. A. Read a third time and **passed**, Ayes 79, Noes 19 ..... 128  
04-14. A. Ordered immediately messaged ..... 128  
04-15. S. Received from Assembly ..... 184  
04-17. S. Read first time and referred to committee on Senate Organization ..... 188  
04-17. S. Available for scheduling  
04-20. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18  
(1m), Ayes 5, Noes 0 ..... 190  
04-20. S. Placed on calendar 4-21-2015 pursuant to Senate Rule 18(1) ..... 190  
04-21. S. Senate Amendment 1 offered by Senators Risser, Vinehout, Miller, L. Taylor, Carpenter and Bewley  
(**LRB a0381**)  
04-21. S. Senate Amendment 2 offered by Senators Risser, Vinehout, Miller, Bewley and L. Taylor (**LRB a0380**)  
04-21. S. Senate Amendment 3 offered by Senators Risser, Vinehout, Miller, L. Taylor and Bewley (**LRB a0379**)  
04-21. S. Rules suspended and taken up  
04-21. S. Read a second time  
04-21. S. Senate Amendment 1 laid on table, Ayes 19, Noes 14  
04-21. S. Senate Amendment 2 laid on table, Ayes 19, Noes 14  
04-21. S. Senate Amendment 3 laid on table, Ayes 19, Noes 14  
04-21. S. Ordered to a third reading  
04-21. S. Rules suspended  
04-21. S. Read a third time and **concurred in**  
04-21. S. Ordered immediately messaged  
04-21. A. Received from Senate concurred in

*AMB*

**2015  
ENROLLED BILL**

**15en A B-143**

---

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**         **15-1723/2**

**Amendments to above (if none, write "NONE"):** AA1 to AB143  
AND AAS to AB143

**Corrections - show date (if none, write "NONE"):** NONE

**Topic** RELATIVE CLAUSE

4/22/15    *Callie H*  
**Date**                      **Enrolling Drafter**



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1723/2  
MPG&PJK:kjf:kf

## 2015 ASSEMBLY BILL 143

March 31, 2015 - Introduced by Representatives AUGUST, MASON, PETERSEN, ZAMARRIPA, BRANDTJEN, BROSTOFF, CZAJA, DOYLE, EDMING, GENRICH, JAGLER, KLEEFISCH, KNUDSON, KUGLITSCH, KULP, MACCO, NYGREN, RIEMER, ROHRKASTE, SPIROS, STEFFEN, TAUCHEN, TRANEL, VORPAGEL, WACHS, SWEARINGEN, RIPP, DANOU, SCHRAA, WEATHERSTON, BOWEN, BARNES, CRAIG and THIESFELDT, cosponsored by Senators FARROW, LASSA, LASEE, GUDEX, MARKLEIN, NASS, VUKMIR and WANGGAARD. Referred to Committee on State Affairs and Government Operations.

1     **AN ACT** *to amend* 194.01 (1) and 194.01 (2); and *to create* 340.01 (23g) (b) 4.,  
2           440.08 (2) (a) 69m. and subchapter IV of chapter 440 [precedes 440.40] of the  
3           statutes; **relating to:** regulation of transportation network companies,  
4           providing an exemption from emergency rule procedures, granting  
5           rule-making authority, and providing a penalty.

---

### *Analysis by the Legislative Reference Bureau*

This bill creates a licensure program for transportation network companies to be administered by the Department of Safety and Professional Services (DSPS). Under the bill, a “transportation network company” (TNC) is a business that, for compensation, uses a digital network to connect individuals seeking transportation via the digital network (passengers) to drivers who are logged on to the digital network and receive compensation for providing that transportation (participating drivers). The bill specifies that a TNC is not a taxicab, limousine, shuttle, or other for-hire vehicle service. The participating driver pays a fee to the TNC in order to participate in the TNC’s digital network.

Under the bill, a TNC may only operate in Wisconsin if it is licensed by DSPS, and a participating driver may only provide transportation network services (TNC services) through a licensed TNC. There is no licensure requirement for a participating driver under the bill.

The bill requires DSPS to grant a license to an applicant for licensure as a TNC if certain application requirements are satisfied, including that the TNC pays an initial licensure fee of \$5,000. The biennial renewal fee is also \$5,000.

**ASSEMBLY BILL 143**

The bill exempts TNCs and participating drivers and their vehicles used to provide TNC services from certain requirements applicable under current law to common motor carrier and other for-hire vehicles. The bill also prohibits a city, village, town, or county from enacting or enforcing an ordinance or adopting or enforcing a resolution that regulates TNCs or their participating drivers and vehicles used to provide TNC services. Under current law, a city, town, or village is authorized to regulate and license taxicab businesses, taxicabs, and chauffeurs. That authorization does not apply to TNCs or their participating drivers and vehicles under the bill.

The bill includes a number of requirements applicable to a licensed TNC and its participating drivers, including all of the following:

1. A TNC must disclose its fare calculation method and other fare information on its Internet site and to prospective passengers, must provide certain identifying information about the participating driver to a prospective passenger before the prospective passenger receives TNC services, and must transmit an electronic receipt that contains specific information to a passenger within a reasonable time after TNC service have been provided.

2. A participating driver may not solicit or accept street hails or otherwise provide rides for compensation that are not prearranged through a TNC, and all payments for TNC services must be made electronically using the TNC's digital network.

3. A TNC may not disclose a passenger's or prospective passenger's personally identifiable information to any other person, except under certain limited circumstances.

4. A participating driver, or a TNC on the driver's behalf, is subject to certain insurance requirements; a TNC is required to make certain disclosures to its participating drivers about insurance; and automobile insurers are permitted to exclude coverage for TNC services.

5. In addition to other nondiscrimination and accessibility requirements, a TNC must have in place a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and prospective passengers.

6. A TNC must have in place a "zero tolerance" policy prohibiting participating drivers from using alcohol, or any other intoxicant that may render the participating driver incapable of safely driving, while the participating driver is engaged in TNC services or is logged on to the TNC's digital network.

7. Before a TNC allows an individual to be a participating driver, the TNC must require the individual to submit a driver application that includes, among other things, the individual's driving history and proof of registration and a copy of the automobile liability insurance policy for each motor vehicle the individual will use to provide TNC services; conduct, or have a third party conduct a criminal background check for the individual; and obtain and review a driving history research report for the individual.

**ASSEMBLY BILL 143**

8. A TNC is prohibited from allowing certain individuals to be participating drivers for the TNC, including an individual who has been convicted of certain moving violations within the previous three years, who has been convicted of certain crimes within the previous seven years, or whose information appears on the state or national sex offender registry.

9. A TNC is required to maintain all records concerning a participating driver for at least one year after the participating driver ceases to engage in TNC services for the TNC, and a TNC must maintain passenger trip records for at least one year after the trip.

The bill authorizes DSPS to conduct investigations and hold hearings to determine whether a violation of the bill's provisions, a related rule promulgated by DSPS, or any other law that substantially relates to the operation of a TNC or to TNC services has occurred. The bill further authorizes DSPS to discipline a licensed TNC, and any person who violates the bill's provisions or a related rule promulgated by DSPS may be subject to a fine not to exceed \$1,000.

For further information see the *state and local* 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.** 194.01 (1) of the statutes is amended to read:

2           194.01 (1) "Common motor carrier" means any person who holds himself or  
3           herself out to the public as willing to undertake for hire to transport passengers or  
4           property by motor vehicle upon the public highways. The transportation of  
5           passengers in taxicab service or in commuter car pool or van pool vehicles that are  
6           designed to carry less than 8 passengers, including the driver, or in a school bus  
7           under s. 120.13 (27) or in a motor vehicle being used to provide transportation  
8           network services, as defined in s. 440.40 (7), is not transportation by a common motor  
9           carrier.

10           **SECTION 2.** 194.01 (2) of the statutes is amended to read:

11           194.01 (2) "Contract motor carrier" means any person engaged in the  
12           transportation by motor vehicle over a regular or irregular route upon the public  
13           highways of property for hire, including the transportation of buildings, as defined

**ASSEMBLY BILL 143****SECTION 2**

1 in s. 348.27 (12m) (a) 1. The transportation of property in a motor vehicle being used  
2 subject to subch. IV of ch. 440 is not transportation by a contract motor carrier.

3 **SECTION 3.** 340.01 (23g) (b) 4. of the statutes is created to read:

4 340.01 (23g) (b) 4. A motor vehicle being used to provide transportation  
5 network services, as defined in s. 440.40 (7).

6 **SECTION 4.** 440.08 (2) (a) 69m. of the statutes is created to read:

7 440.08 (2) (a) 69m. Transportation network company: March 1 of each  
8 odd-numbered year.

9 **SECTION 5.** Subchapter IV of chapter 440 [precedes 440.40] of the statutes is  
10 created to read:

11 **CHAPTER 440**

12 **SUBCHAPTER IV**

13 **TRANSPORTATION NETWORK COMPANIES**

14 **440.40 Definitions.** In this subchapter:

15 (1) “Digital network” means any Internet site or online-enabled application,  
16 software, or system that permits the prearrangement of transportation network  
17 services.

18 (2) “Licensed company” means a transportation network company that is  
19 licensed under s. 440.415.

20 (3) “Participating driver” means an individual who does all of the following:

21 (a) Pays a fee to a transportation network company to be connected to a  
22 passenger for the purpose of engaging in transportation network services.

23 (b) Uses a personal vehicle to engage in transportation network services for  
24 compensation.

**ASSEMBLY BILL 143**

1           (4) “Passenger” means an individual who uses a transportation network  
2 company’s digital network to connect to a participating driver for transportation  
3 network services, and, unless the context requires otherwise, includes all other  
4 persons in that individual’s party who accompany that individual in the  
5 participating driver’s personal vehicle in connection with those transportation  
6 network services.

7           (5) “Personal vehicle” means a motor vehicle that satisfies all of the following  
8 conditions:

9           (a) A participating driver owns, leases, or is otherwise authorized to use the  
10 motor vehicle.

11           (b) The motor vehicle is not a taxicab, limousine, shuttle, or other for-hire  
12 vehicle. *AAS 1.*

13           (6) “Transportation network company” means a business that, for  
14 compensation, uses a digital network to connect passengers to participating drivers  
15 for the purpose of providing transportation network services to those passengers.  
16 “Transportation network company” does not include a taxicab, limousine, shuttle, or  
17 other for-hire vehicle service.

18           (7) “Transportation network services” means transportation provided to a  
19 passenger in the participating driver’s personal vehicle. A participating driver is  
20 considered to be engaged in transportation network services beginning when the  
21 participating driver accepts a passenger’s request for transportation received  
22 through a transportation network company’s digital network, continuing while the  
23 participating driver transports that passenger in the participating driver’s personal  
24 vehicle, and ending when that passenger, or the last person in that passenger’s party,  
25 whichever occurs later, exits the participating driver’s personal vehicle.



**ASSEMBLY BILL 143****SECTION 5**

1 “Transportation network services” does not include transportation in a taxicab,  
2 limousine, shuttle, or other for-hire vehicle.

3 **440.41 License required.** (1) No person may operate a transportation  
4 network company in this state unless the transportation network company is a  
5 licensed company.

6 (2) No person may engage in transportation network services in this state  
7 unless the person is a participating driver for a licensed company. A licensed  
8 company is not considered to control, direct, or manage a participating driver or that  
9 participating driver’s personal vehicle used for engaging in transportation network  
10 services, except as provided in this subchapter or in a written agreement between the  
11 licensed company and the participating driver.

12 **440.415 Licensure of transportation network companies.** (1) INITIAL  
13 LICENSE. The department shall grant a license to operate a transportation network  
14 company in this state to an applicant for licensure if the department determines that  
15 all of the following requirements are met:

16 (a) The applicant submits an application to the department on a form  
17 prescribed by the department. The application shall include the applicant’s name,  
18 address, tax identification number, and any other information required by the  
19 department by rule.

20 (b) The applicant is a transportation network company.

21 (c) The applicant demonstrates to the satisfaction of the department that it  
22 satisfies all applicable requirements under ss. 440.42, 440.44, 440.45, and 440.48.

23 (d) Notwithstanding s. 440.03 (9) (a), the applicant pays an initial licensure fee  
24 of \$5,000.

**ASSEMBLY BILL 143**

1           **(2) RENEWAL.** (a) The renewal date for a license granted under sub. (1) is  
2 specified in s. 440.08 (2) (a) 69m. A renewal application shall be submitted to the  
3 department on a form prescribed by the department and shall include any  
4 information required by the department by rule.

5           (b) The renewal application for a licensed company shall include a renewal fee  
6 of \$5,000 or the renewal fee determined by the department under s. 440.03 (9) (a),  
7 if any, whichever is less.

8           **440.42 Agent.** Each licensed company shall maintain an agent for service of  
9 process in this state.

10           **440.425 Fare disclosures.** Each licensed company shall do all of the  
11 following:

12           **(1)** Disclose its fare calculation method on its Internet site.

13           **(2)** Inform each prospective passenger or the prospective passenger's  
14 authorized representative of all applicable fare rates.

15           **(3)** Give each prospective passenger or the prospective passenger's authorized  
16 representative the option to receive an estimated fare before the passenger enters  
17 a participating driver's personal vehicle for transportation network services.

18           **440.43 Identification of participating drivers.** Each licensed company  
19 shall make available to each prospective passenger or the prospective passenger's  
20 authorized representative, on the licensed company's digital network, a photograph  
21 of the participating driver and the license plate number of the participating driver's  
22 personal vehicle before the passenger enters the participating driver's personal  
23 vehicle for transportation network services.

24           **440.435 Electronic receipt.** Within a reasonable time after transportation  
25 network services have been provided, the licensed company facilitating the services

**ASSEMBLY BILL 143****SECTION 5**

1 shall transmit an electronic receipt for the services to the passenger or the  
2 passenger's authorized representative that contains all of the following:

- 3 (1) The origin and destination of the trip.  
4 (2) The total time and distance of the trip.  
5 (3) An itemization of the total fare paid, if any.

6 **440.44 Zero tolerance for use of drugs or alcohol.** (1) **POLICY.** Each  
7 licensed company shall develop, implement, and make available on its Internet site  
8 a policy prohibiting any participating driver from using alcohol, or any other  
9 intoxicant that may render the participating driver incapable of safely driving, while  
10 the participating driver is engaged in transportation network services for the  
11 licensed company or is logged on to the licensed company's digital network.

12 (2) **COMPLAINTS.** (a) Each licensed company shall develop, implement, and  
13 make available on its Internet site, complaint procedures for reports of suspected  
14 violations of the policy under sub. (1).

15 (b) Upon receipt of a complaint concerning a violation of a licensed company's  
16 policy under sub. (1), the licensed company shall immediately suspend the  
17 participating driver and investigate the complaint. The suspension shall continue  
18 until the complaint is resolved.

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

23 **440.445 Certain requirements for participating drivers and their**  
24 **personal vehicles.** (1) **APPLICATION.** Before a licensed company allows an

**ASSEMBLY BILL 143**

1 individual to be a participating driver for the licensed company, the licensed  
2 company shall do all of the following:

3 (a) Require the individual to submit an application to the licensed company  
4 that includes at least all of the following:

- 5 1. The individual's name, address, and age.
- 6 2. A copy of the individual's driver's license.
- 7 3. The individual's driving history.
- 8 4. Proof of motor vehicle registration for each personal vehicle the individual  
9 will use to engage in transportation network services through the licensed company.
- 10 5. A copy of the individual's automobile liability insurance policy for each  
11 personal vehicle the individual will use to provide transportation network services  
12 through the licensed company.

13 (b) Conduct, or have a 3rd party conduct, a local and national criminal  
14 background check for the individual that includes all of the following:

- 15 1. A multistate and multijurisdictional criminal records locator or other similar  
16 commercial nationwide database with validation.
- 17 2. A national sex offender registry database.

18 (c) Obtain and review a driving history research report for the individual.

19 **(2) WHO MAY NOT BE A PARTICIPATING DRIVER.** (a) A licensed company may not  
20 allow any of the following individuals to be a participating driver for the licensed  
21 company:

- 22 1. An individual who has had more than 3 moving violations, as defined in s.  
23 343.01 (2) (cg), in the past 3 years, or one major violation in the past 3 years, including  
24 fleeing or attempting to elude an officer under s. 346.04 (3), reckless driving under  
25 s. 346.62, or driving with a suspended or revoked license under s. 343.44 (1) (a) or (b).

Handwritten annotations: A large circle is drawn around the text in lines 22-25. An arrow points from the top right of this circle to a smaller circle at the bottom right containing the text "AAS 2.". Another arrow points from the right side of the main circle to the text "AAS 2." written in the margin next to line 23.

**ASSEMBLY BILL 143**

**SECTION 5**

AA 5  
3.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

2. An individual who has been convicted in the last 7 years of driving under the influence of an intoxicant or other drug in violation of s. 346.63, of a sex offense, as defined in s. 301.45 (1d) (b), or of any crime involving fraud, theft, damage to property, violence, acts of terror, or the use of a motor vehicle in the commission of a felony.

AA 5  
3.

3. An individual whose information is contained in the sex offender registry under s. 301.45 or on the National Sex Offender Public Website.

4. An individual who does not possess a valid driver's license.

5. An individual who does not possess proof of motor vehicle registration for each personal vehicle the individual intends to use to engage in transportation network services.

6. An individual who does not possess proof of automobile liability insurance for each personal vehicle the individual intends to use to engage in transportation network services.

7. An individual who is not at least 19 years of age.

(b) A participating driver who is convicted of any moving violation or of any felony or misdemeanor anywhere shall immediately notify the licensed company for which the participating driver engages in transportation network services of the conviction.

**(3) VEHICLE SAFETY AND EMISSIONS.** Each licensed company shall ensure that each motor vehicle a participating driver uses to provide transportation network services for the licensed company is a personal vehicle that satisfies all state vehicle safety and emissions standards for private motor vehicles.

**ASSEMBLY BILL 143**

1 (4) NO STREET HAILS. A participating driver may not solicit or accept street hails  
2 or otherwise provide rides for compensation that are not prearranged through a  
3 transportation network company on the company's digital network.

4 (5) NO CASH TRIPS. (a) A participating driver may not solicit or accept any cash  
5 payment to engage in transportation network services.

6 (b) All passenger payments for transportation network services shall be made  
7 electronically using the transportation network company's digital network.

8 **440.45 Nondiscrimination; accessibility. (1) NONDISCRIMINATION POLICY.**

9 Each licensed company shall adopt a policy of nondiscrimination on the basis of  
10 destination, race, color, national origin, religious belief or affiliation, sex, disability,  
11 age, sexual orientation, or gender identity with respect to passengers and  
12 prospective passengers and notify all of its participating drivers of the  
13 nondiscrimination policy.

14 (2) A participating driver may not discriminate against any passenger or  
15 prospective passenger on the basis of destination, race, color, national origin,  
16 religious belief or affiliation, sex, disability, age, sexual orientation, or gender  
17 identity.

18 (3) Each participating driver shall permit service animals to accompany  
19 passengers in connection with transportation network services.

20 (4) A licensed company may not impose additional charges for providing  
21 transportation network services to persons with disabilities because of those  
22 disabilities.

23 (5) Each licensed company shall provide each prospective passenger an  
24 opportunity to indicate whether the passenger requires a wheelchair-accessible  
25 vehicle. If a licensed company cannot arrange wheelchair-accessible transportation

AA  
trip  
origin  
or

**ASSEMBLY BILL 143****SECTION 5**

1 network services for a prospective passenger who requires wheelchair-accessible  
2 services, the licensed company shall refer the prospective passenger to an alternate  
3 provider of wheelchair-accessible transportation, if available.

4 **440.455 Records.** Each licensed company shall do all of the following:

5 (1) Maintain passenger trip records for at least one year from the date of each  
6 trip.

7 (2) Maintain all records concerning each participating driver for at least one  
8 year after the date on which the participating driver ceases to engage in  
9 transportation network services for the licensed company.

10 **440.46 Personally identifiable information.** A licensed company may not  
11 disclose a passenger's or prospective passenger's personally identifiable information  
12 to any other person, unless any of the following is true:

13 (1) The passenger or prospective passenger consents to the disclosure.

14 (2) The disclosure is required by law.

15 (3) The disclosure is necessary to protect or defend the terms of use of the  
16 licensed company's transportation network services or to investigate a violation of  
17 those terms.

18 (4) The disclosure is to the participating driver, is limited to the passenger's  
19 name and telephone number, and is for the sole purpose of facilitating the  
20 participating driver's transportation network services for that passenger.

21 **440.465 Limitations on local and other regulation.** (1) Section 349.24  
22 does not apply to a transportation network company or to a participating driver  
23 engaged in transportation network services or the participating driver's personal  
24 vehicle used for those services. No city, village, town, or county may enact or enforce  
25 an ordinance or adopt or enforce a resolution that regulates a transportation network

**ASSEMBLY BILL 143**

1 company or its participating drivers and their personal vehicles in connection with  
2 transportation network services.

AA1  
2.

3 (2) The requirements under chs. 340 to 349 applicable specifically to  
4 commercial <sup>motor</sup> vehicles or for-hire vehicles do not apply to personal vehicles used by  
5 participating drivers engaged in transportation network services.

6 (3) The requirements under ss. 342.06 (1) (h) and (3), 342.10 (3) (a), and 342.33  
7 do not apply to personal vehicles used by participating drivers engaged in  
8 transportation network services.

9 **440.48 Insurance.** (1) DRIVER REQUIREMENTS. (a) A participating driver, or  
10 a transportation network company on the driver's behalf, shall maintain primary  
11 automobile insurance that does all of the following:

12 1. Recognizes that the driver is a participating driver, or otherwise uses a motor  
13 vehicle to transport passengers for compensation.

14 2. Covers the participating driver at any of the following times:

15 a. While the driver is logged on to the transportation network company's digital  
16 network.

17 b. While the driver is engaged in transportation network services.

18 (b) The following automobile insurance requirements apply while a  
19 participating driver is logged on to the transportation network company's digital  
20 network and is available to receive transportation requests but is not engaged in  
21 transportation network services:

22 1. The insurance is primary automobile liability insurance in the amount of at  
23 least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily  
24 injury per incident, and \$25,000 for property damage.



**ASSEMBLY BILL 143****SECTION 5**

1           2. The insurance provides primary uninsured motorist coverage in accordance  
2 with the requirements under s. 632.32 (4) (a) 1.

3           3. The coverage requirements under this paragraph may be satisfied by any of  
4 the following:

5           a. Automobile insurance maintained by the participating driver.

6           b. Automobile insurance maintained by the transportation network company.

7           c. Any combination of insurance specified in subd. 3. a. and b.

8           (c) The following automobile insurance requirements apply while a  
9 participating driver is engaged in transportation network services:

10           1. The insurance is primary automobile liability insurance in the amount of at  
11 least \$1,000,000 for death, bodily injury, and property damage.

12           2. The insurance provides primary uninsured motorist coverage in accordance  
13 with the requirements under s. 632.32 (4) (a) 1.

14           3. The coverage requirements under this paragraph may be satisfied by any of  
15 the following:

16           a. Automobile insurance maintained by the participating driver.

17           b. Automobile insurance maintained by the transportation network company.

18           c. Any combination of insurance specified in subd. 3. a. and b.

19           (d) If insurance maintained by the participating driver under par. (b) or (c) has  
20 lapsed or does not provide the required coverage, insurance maintained by a  
21 transportation network company shall provide the coverage required under this  
22 subsection beginning with the first dollar of a claim and have the duty to defend the  
23 claim.

24           (e) Coverage under an automobile insurance policy maintained by the  
25 transportation network company shall not be dependent on a personal automobile

**ASSEMBLY BILL 143**

1 insurer first denying a claim nor shall a personal automobile insurance policy be  
2 required to first deny a claim.

3 (f) Insurance required under this subsection may be placed with an insurer  
4 authorized to do business in this state or with a surplus lines insurer.

5 (g) Insurance satisfying the requirements of this subsection shall be deemed  
6 to satisfy the financial responsibility requirement for a motor vehicle under ch. 344.

7 (h) A participating driver shall carry proof of coverage satisfying pars. (b) and  
8 (c) with him or her at all times during his or her use of a vehicle in connection with  
9 a transportation network company's digital network. In the event of an accident, a  
10 participating driver shall provide this insurance coverage information to the directly  
11 interested parties, automobile insurers, and investigating police officers, upon  
12 request in accordance with s. 344.62. Upon request, a participating driver shall also  
13 disclose to directly interested parties, automobile insurers, and investigating police  
14 officers whether he or she was logged on to the transportation network company's  
15 digital network or engaged in transportation network services at the time of the  
16 accident.

17 **(2) DISCLOSURES REQUIRED REGARDING INSURANCE COVERAGE.** A transportation  
18 network company shall disclose in writing to participating drivers all of the following  
19 before they are allowed to accept a request for transportation network services on the  
20 transportation network company's digital network:

21 (a) The insurance coverage, including the types of coverage and the limits for  
22 each coverage, that the transportation network company provides while the  
23 participating driver uses a personal vehicle in connection with a transportation  
24 network company's digital network.

**ASSEMBLY BILL 143****SECTION 5**

1 (b) That the participating driver's own automobile insurance policy might not  
2 provide any coverage while the participating driver is logged on to the transportation  
3 network company's digital network and is available to receive transportation  
4 requests or is engaged in transportation network services depending on its terms.

5 (3) INSURER PROVISIONS. (a) Notwithstanding any coverage requirements under  
6 s. 632.32, an insurer that writes automobile insurance in this state may exclude any  
7 and all coverage afforded under a policy owner's insurance policy for any loss or  
8 injury that occurs while a participating driver is logged on to a transportation  
9 network company's digital network or is engaged in transportation network services.  
10 This right to exclude all coverage may apply to any coverage included in a motor  
11 vehicle insurance policy, including all of the following:

- 12 1. Liability coverage for bodily injury and property damage.
- 13 2. Uninsured and underinsured motorist coverage.
- 14 3. Medical payments coverage.
- 15 4. Comprehensive physical damage coverage.
- 16 5. Collision physical damage coverage.

17 (b) 1. Exclusions under par. (a) shall apply notwithstanding any requirement  
18 under ch. 344. Nothing in this subsection implies or requires that a personal  
19 automobile insurance policy provide coverage while the driver is logged on to the  
20 transportation network company's digital network, while the driver is engaged in  
21 transportation network services, or while the driver otherwise uses a vehicle to  
22 transport passengers for compensation.

23 2. Nothing shall be deemed to preclude an insurer from providing coverage for  
24 the participating driver's vehicle, if the insurer so chooses to do so by contract or  
25 endorsement.

**ASSEMBLY BILL 143**

1 (c) 1. Automobile insurers that exclude coverage as permitted in this subsection  
2 shall have no duty to defend or indemnify any claim expressly excluded. Nothing in  
3 this section shall be deemed to invalidate or limit an exclusion contained in a policy,  
4 including any policy in use, or approved for use, in this state before the effective date  
5 of this subdivision ... [LRB inserts date], that excludes coverage for vehicles used to  
6 carry persons or property for a charge or available for hire by the public.

7 2. An automobile insurer that defends or indemnifies a claim against a  
8 participating driver that is excluded under the terms of its policy as permitted in this  
9 subsection shall have a right of contribution against other insurers that provide  
10 automobile insurance to the same driver in satisfaction of the coverage requirements  
11 of sub. (1) at the time of loss.

12 (d) In a claims coverage investigation, transportation network companies and  
13 any insurer potentially providing coverage under sub. (1) shall cooperate to facilitate  
14 the exchange of relevant information with directly involved parties and any insurer  
15 of the participating driver if applicable, including the precise times that a  
16 participating driver logged on and off the transportation network company's digital  
17 network in the 12-hour period immediately preceding, and in the 12-hour period  
18 immediately following, the accident, and disclose to one another a clear description  
19 of the coverage, exclusions, and limits provided under any automobile insurance  
20 maintained under sub (1).

21 **440.49 Disciplinary proceedings and actions.** (1) INVESTIGATIONS AND  
22 HEARINGS. Subject to the rules promulgated under s. 440.03 (1), the department may  
23 conduct investigations and hold hearings to determine whether a violation of this  
24 subchapter or any rule promulgated under this subchapter or a violation of any other

AAS  
5. →

**ASSEMBLY BILL 143****SECTION 5**

1 law that substantially relates to the operation of a transportation network company  
2 or to transportation network services has occurred.

3 (2) DISCIPLINE. Subject to the rules promulgated under s. 440.03 (1), the  
4 department may reprimand a licensed company or deny, limit, suspend, or revoke a  
5 license granted under s. 440.415 if the department finds that an applicant for  
6 licensure or a licensed company has done any of the following:

7 (a) Intentionally made a material misstatement in an application for a license  
8 or license renewal.

9 (b) Advertised in a manner that is false or misleading.

10 (c) Obtained or attempted to obtain compensation through fraud or deceit.

11 (d) Violated this subchapter or any rule promulgated under this subchapter or  
12 violated any other law that substantially relates to the operation of a transportation  
13 network company or to transportation network services.

14 (e) Failed to cooperate with the department, or failed to timely respond to a  
15 request for information by the department, in connection with an investigation  
16 under this section.

17 **440.495 Penalties.** Any person who violates this subchapter or any rule  
18 promulgated under this subchapter may be fined not more than \$1,000.

19 **SECTION 6. Nonstatutory provisions.**

20 (1) EMERGENCY RULES. The department of safety and professional services may  
21 promulgate emergency rules under section 227.24 of the statutes implementing  
22 subchapter IV of chapter 440 of the statutes, as created by this act. Notwithstanding  
23 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
24 subsection remain in effect until June 30, 2017, or the date on which permanent rules  
25 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the

AAS  
6.  
→

**ASSEMBLY BILL 143**

1 statutes, the department is not required to provide evidence that promulgating a rule  
2 under this subsection as an emergency rule is necessary for the preservation of the  
3 public peace, health, safety, or welfare and is not required to provide a finding of  
4 emergency for a rule promulgated under this subsection.

5 **SECTION 7. Effective dates.** This act takes effect on the day after publication,  
6 except as follows:

7 (1) **LICENSURE REQUIREMENT.** The treatment of section 440.41 of the statutes  
8 takes effect on the first day of the 4th month beginning after publication.

9 (2) **DRIVER INSURANCE REQUIREMENTS.** The treatment of section 440.48 (1) of the  
10 statutes takes effect on July 1, 2015, or on the day after publication, whichever is  
11 later.

12 (END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0298/1  
PJK:emw&cjs:jd

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 143**

April 6, 2015 – Offered by Representatives AUGUST and MASON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 11, line 10: before “destination” insert “trip origin or”.

3 **2.** Page 13, line 2: after that line insert:

4 **(1m)** Notwithstanding sub. (1), a city, village, town, or county may do any of  
5 the following:

AA1  
2.  
6 (a) To the extent necessary to comply with assurances under 49 USC 47107,  
7 impose fees or charges under s. 114.14 (1) for the use of an airport by participating  
8 drivers engaged in transportation network services. Any such fees or charges shall  
9 be imposed on transportation network companies and may not exceed fees or charges  
10 imposed under s. 114.14 (1) for the use of an airport by taxicabs, limousines, shuttles,  
11 or other for-hire vehicles.

12 (b) Require a transportation network company to comply with a permit  
13 developed by an airport and issued to the transportation network company

↘

1 regarding the manner of operation on airport property by participating drivers  
2 engaged in transportation network services. A single permit under this paragraph  
3 shall be issued to each transportation network company and shall apply to all of the  
4 participating drivers for the company.".

5 (END)





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0332/2  
MPG&PJK:kjf:kf

**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY BILL 143**

April 14, 2015 – Offered by Representatives AUGUST and MASON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 12: after “vehicle” insert “or a commercial motor vehicle, as  
3 defined in 49 CFR 390.5”.

4 **2.** Page 9, line 23: delete the material beginning with “major” and ending with  
5 “(b).” on line 25 and substitute “conviction in the past 3 years for an offense listed  
6 under s. 351.02 (1) (a).”.

7 **3.** Page 10, line 1: delete the material beginning with “who” and ending with  
8 “346.63,” on line 2 and substitute “who, in the last 7 years, committed an offense that  
9 resulted in a suspension, revocation, or other conviction counted under s. 343.307 (1)  
10 or was convicted”.

11 **4.** Page 13, line 4: after “commercial” insert “motor”.

12 **5.** Page 17, line 20: after that line insert:

AAS 1.

AAS 2.

↑  
AAS 3.

AA5  
5.

1           “(e) If a transportation network company’s insurer covers a claim under a  
2 policy’s comprehensive or collision coverage, the insurer shall issue the payment for  
3 the claim to either of the following, as directed by the transportation network  
4 company:

- 5           1. Jointly to the owner of the personal vehicle and the primary lienholder.  
6           2. Directly to the person repairing the personal vehicle in satisfaction of  
7 completion of repairs as payment in full.”

8           **6.** Page 18, line 16: after that line insert:

9           “(3) FORFEITURES. In addition to or in lieu of a reprimand or other action under  
10 sub. (2), the department may assess against a licensed company, for the violations  
11 enumerated under sub. (2), a forfeiture of not more than \$1,000 for each separate  
12 offense.”

13

(END)

(  
AA5  
6.