



2015 SENATE BILL 106

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

SENATE BILL 106

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.

SENATE BILL 106

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

SENATE BILL 106

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.

SENATE BILL 106

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.

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.

SENATE BILL 106

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.

SENATE BILL 106

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

SENATE BILL 106

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

SENATE BILL 106

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).

SENATE BILL 106

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

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

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

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

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

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

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

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

SENATE BILL 106

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

SENATE BILL 106

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

SENATE BILL 106

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

3 (2) The requirements under chs. 340 to 349 applicable specifically to
4 commercial 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.

SENATE BILL 106

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

SENATE BILL 106

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.

SENATE BILL 106

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.

SENATE BILL 106

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

SENATE BILL 106

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

SENATE BILL 106

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)