



Sen. Emil Jones, III

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10100HB0156sam003

LRB101 03973 LNS 74792 a

1 AMENDMENT TO HOUSE BILL 156

2 AMENDMENT NO. _____. Amend House Bill 156 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Transportation Network Providers Act is
5 amended by adding Section 33 as follows:

6 (625 ILCS 57/33 new)

7 Sec. 33. Continuation of Act; validation.

8 (a) The General Assembly finds and declares that:

9 (1) Public Act 101-639, which took effect on June 12,
10 2020, changed the repeal date set for the Transportation
11 Network Providers Act from June 1, 2020 to June 1, 2021.

12 (2) The Statute on Statutes sets forth general rules on
13 the repeal of statutes and the construction of multiple
14 amendments, but Section 1 of that Act also states that
15 these rules will not be observed when the result would be
16 "inconsistent with the manifest intent of the General

1 Assembly or repugnant to the context of the statute".

2 (3) This amendatory Act of the 101st General Assembly
3 manifests the intention of the General Assembly to extend
4 the repeal of the Transportation Network Providers Act and
5 have the Transportation Network Providers Act continue in
6 effect until June 1, 2021.

7 (4) The Transportation Network Providers Act was
8 originally enacted to protect, promote, and preserve the
9 general welfare. Any construction of this Act that results
10 in the repeal of this Act on June 1, 2020 would be
11 inconsistent with the manifest intent of the General
12 Assembly and repugnant to the context of the Transportation
13 Network Providers Act.

14 (b) It is hereby declared to have been the intent of the
15 General Assembly that the Transportation Network Providers Act
16 not be subject to repeal on June 1, 2020.

17 (c) The Transportation Network Providers Act shall be
18 deemed to have been in continuous effect since June 1, 2015
19 (the effective date of Public Act 98-1173), and it shall
20 continue to be in effect until it is otherwise lawfully
21 repealed. All previously enacted amendments to the Act taking
22 effect on or after June 1, 2020, are hereby validated.

23 (d) All actions taken in reliance on or pursuant to the
24 Transportation Network Providers Act by any person or entity
25 are hereby validated.

26 (e) In order to ensure the continuing effectiveness of the

1 Transportation Network Providers Act, it is set forth in full
2 and reenacted by this amendatory Act of the 101st General
3 Assembly. Striking and underscoring are used only to show
4 changes being made to the base text. This reenactment is
5 intended as a continuation of the Act. It is not intended to
6 supersede any amendment to the Act that is enacted by the 101st
7 General Assembly.

8 (f) The Transportation Network Providers Act applies to all
9 claims, civil actions, and proceedings pending on or filed on
10 or before the effective date of this amendatory Act of the
11 101st General Assembly.

12 Section 15. The Transportation Network Providers Act is
13 reenacted as follows:

14 (625 ILCS 57/Act title)

15 An Act concerning regulation.

16 (625 ILCS 57/1)

17 Sec. 1. Short title. This Act may be cited as the
18 Transportation Network Providers Act.

19 (Source: P.A. 98-1173, eff. 6-1-15.)

20 (625 ILCS 57/5)

21 Sec. 5. Definitions.

22 "Transportation network company" or "TNC" means an entity

1 operating in this State that uses a digital network or software
2 application service to connect passengers to transportation
3 network company services provided by transportation network
4 company drivers. A TNC is not deemed to own, control, operate,
5 or manage the vehicles used by TNC drivers, and is not a
6 taxicab association or a for-hire vehicle owner.

7 "Transportation network company driver" or "TNC driver"
8 means an individual who operates a motor vehicle that is:

9 (1) owned, leased, or otherwise authorized for use by
10 the individual;

11 (2) not a taxicab or for-hire public passenger vehicle;
12 and

13 (3) used to provide transportation network company
14 services.

15 "Transportation network company services" or "TNC
16 services" means transportation of a passenger between points
17 chosen by the passenger and prearranged with a TNC driver
18 through the use of a TNC digital network or software
19 application. TNC services shall begin when a TNC driver accepts
20 a request for transportation received through the TNC's digital
21 network or software application service, continue while the TNC
22 driver transports the passenger in the TNC driver's vehicle,
23 and end when the passenger exits the TNC driver's vehicle. TNC
24 service is not a taxicab, for-hire vehicle, or street hail
25 service.

26 (Source: P.A. 98-1173, eff. 6-1-15.)

1 (625 ILCS 57/10)

2 Sec. 10. Insurance.

3 (a) Transportation network companies and participating TNC
4 drivers shall comply with the automobile liability insurance
5 requirements of this Section as required.

6 (b) The following automobile liability insurance
7 requirements shall apply from the moment a participating TNC
8 driver logs on to the transportation network company's digital
9 network or software application until the TNC driver accepts a
10 request to transport a passenger, and from the moment the TNC
11 driver completes the transaction on the digital network or
12 software application or the ride is complete, whichever is
13 later, until the TNC driver either accepts another ride request
14 on the digital network or software application or logs off the
15 digital network or software application:

16 (1) Automobile liability insurance shall be in the
17 amount of at least \$50,000 for death and personal injury
18 per person, \$100,000 for death and personal injury per
19 incident, and \$25,000 for property damage.

20 (2) Contingent automobile liability insurance in the
21 amounts required in paragraph (1) of this subsection (b)
22 shall be maintained by a transportation network company and
23 provide coverage in the event a participating TNC driver's
24 own automobile liability policy excludes coverage
25 according to its policy terms or does not provide at least

1 the limits of coverage required in paragraph (1) of this
2 subsection (b).

3 (c) The following automobile liability insurance
4 requirements shall apply from the moment a TNC driver accepts a
5 ride request on the transportation network company's digital
6 network or software application until the TNC driver completes
7 the transaction on the digital network or software application
8 or until the ride is complete, whichever is later:

9 (1) Automobile liability insurance shall be primary
10 and in the amount of \$1,000,000 for death, personal injury,
11 and property damage. The requirements for the coverage
12 required by this paragraph (1) may be satisfied by any of
13 the following:

14 (A) automobile liability insurance maintained by a
15 participating TNC driver;

16 (B) automobile liability company insurance
17 maintained by a transportation network company; or

18 (C) any combination of subparagraphs (A) and (B).

19 (2) Insurance coverage provided under this subsection
20 (c) shall also provide for uninsured motorist coverage and
21 underinsured motorist coverage in the amount of \$50,000
22 from the moment a passenger enters the vehicle of a
23 participating TNC driver until the passenger exits the
24 vehicle.

25 (3) The insurer, in the case of insurance coverage
26 provided under this subsection (c), shall have the duty to

1 defend and indemnify the insured.

2 (4) Coverage under an automobile liability insurance
3 policy required under this subsection (c) shall not be
4 dependent on a personal automobile insurance policy first
5 denying a claim nor shall a personal automobile insurance
6 policy be required to first deny a claim.

7 (d) In every instance when automobile liability insurance
8 maintained by a participating TNC driver to fulfill the
9 insurance obligations of this Section has lapsed or ceased to
10 exist, the transportation network company shall provide the
11 coverage required by this Section beginning with the first
12 dollar of a claim.

13 (e) This Section shall not limit the liability of a
14 transportation network company arising out of an automobile
15 accident involving a participating TNC driver in any action for
16 damages against a transportation network company for an amount
17 above the required insurance coverage.

18 (f) The transportation network company shall disclose in
19 writing to TNC drivers, as part of its agreement with those TNC
20 drivers, the following:

21 (1) the insurance coverage and limits of liability that
22 the transportation network company provides while the TNC
23 driver uses a vehicle in connection with a transportation
24 network company's digital network or software application;
25 and

26 (2) that the TNC driver's own insurance policy may not

1 provide coverage while the TNC driver uses a vehicle in
2 connection with a transportation network company digital
3 network depending on its terms.

4 (g) An insurance policy required by this Section may be
5 placed with an admitted Illinois insurer, or with an authorized
6 surplus line insurer under Section 445 of the Illinois
7 Insurance Code; and is not subject to any restriction or
8 limitation on the issuance of a policy contained in Section
9 445a of the Illinois Insurance Code.

10 (h) Any insurance policy required by this Section shall
11 satisfy the financial responsibility requirement for a motor
12 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
13 Code.

14 (i) If a transportation network company's insurer makes a
15 payment for a claim covered under comprehensive coverage or
16 collision coverage, the transportation network company shall
17 cause its insurer to issue the payment directly to the business
18 repairing the vehicle, or jointly to the owner of the vehicle
19 and the primary lienholder on the covered vehicle.

20 (Source: P.A. 98-1173, eff. 6-1-15; 99-56, eff. 7-16-15.)

21 (625 ILCS 57/15)

22 Sec. 15. Driver requirements.

23 (a) Prior to permitting an individual to act as a TNC
24 driver on its digital platform, the TNC shall:

25 (1) require the individual to submit an application to

1 the TNC or a third party on behalf of the TNC, which
2 includes information regarding his or her full legal name,
3 social security number, address, age, date of birth,
4 driver's license, driving history, motor vehicle
5 registration, automobile liability insurance, and other
6 information required by the TNC;

7 (2) conduct, or have a third party conduct, a local and
8 national criminal history background check for each
9 individual applicant that shall include:

10 (A) Multi-State or Multi-Jurisdictional Criminal
11 Records Locator or other similar commercial nationwide
12 database with validation (primary source search); and

13 (B) National Sex Offenders Registry database; and

14 (3) obtain and review a driving history research report
15 for the individual.

16 (b) The TNC shall not permit an individual to act as a TNC
17 driver on its digital platform who:

18 (1) has had more than 3 moving violations in the prior
19 three-year period, or one major violation in the prior
20 three-year period including, but not limited to,
21 attempting to evade the police, reckless driving, or
22 driving on a suspended or revoked license;

23 (2) has been convicted, within the past 7 years, of
24 driving under the influence of drugs or alcohol, fraud,
25 sexual offenses, use of a motor vehicle to commit a felony,
26 a crime involving property damage, or theft, acts of

1 violence, or acts of terror;

2 (3) is a match in the National Sex Offenders Registry
3 database;

4 (4) does not possess a valid driver's license;

5 (5) does not possess proof of registration for the
6 motor vehicle used to provide TNC services;

7 (6) does not possess proof of automobile liability
8 insurance for the motor vehicle used to provide TNC
9 services; or

10 (7) is under 19 years of age.

11 (c) An individual who submits an application under
12 paragraph (1) of subsection (a) that contains false or
13 incomplete information shall be guilty of a petty offense.

14 (Source: P.A. 100-738, eff. 8-7-18.)

15 (625 ILCS 57/20)

16 Sec. 20. Non-discrimination.

17 (a) The TNC shall adopt and notify TNC drivers of a policy
18 of non-discrimination on the basis of destination, race, color,
19 national origin, religious belief or affiliation, sex,
20 disability, age, sexual orientation, or gender identity with
21 respect to passengers and potential passengers.

22 (b) TNC drivers shall comply with all applicable laws
23 regarding non-discrimination against passengers or potential
24 passengers on the basis of destination, race, color, national
25 origin, religious belief or affiliation, sex, disability, age,

1 sexual orientation, or gender identity.

2 (c) TNC drivers shall comply with all applicable laws
3 relating to accommodation of service animals.

4 (d) A TNC shall not impose additional charges for providing
5 services to persons with physical disabilities because of those
6 disabilities.

7 (e) A TNC shall provide passengers an opportunity to
8 indicate whether they require a wheelchair accessible vehicle.
9 If a TNC cannot arrange wheelchair-accessible TNC service in
10 any instance, it shall direct the passenger to an alternate
11 provider of wheelchair-accessible service, if available.

12 (f) If a unit of local government has requirements for
13 licensed chauffeurs not to discriminate in providing service in
14 under-served areas, TNC drivers participating in TNC services
15 within that unit of local government shall be subject to the
16 same non-discrimination requirements for providing service in
17 under-served areas.

18 (Source: P.A. 98-1173, eff. 6-1-15.)

19 (625 ILCS 57/25)

20 Sec. 25. Safety.

21 (a) The TNC shall implement a zero tolerance policy on the
22 use of drugs or alcohol while a TNC driver is providing TNC
23 services or is logged into the TNC's digital network but is not
24 providing TNC services.

25 (b) The TNC shall provide notice of the zero tolerance

1 policy on its website, as well as procedures to report a
2 complaint about a driver with whom a passenger was matched and
3 whom the passenger reasonably suspects was under the influence
4 of drugs or alcohol during the course of the trip.

5 (c) Upon receipt of a passenger's complaint alleging a
6 violation of the zero tolerance policy, the TNC shall
7 immediately suspend the TNC driver's access to the TNC's
8 digital platform, and shall conduct an investigation into the
9 reported incident. The suspension shall last the duration of
10 the investigation.

11 (d) The TNC shall require that any motor vehicle that a TNC
12 driver will use to provide TNC services meets vehicle safety
13 and emissions requirements for a private motor vehicle in this
14 State.

15 (e) TNCs or TNC drivers are not common carriers, contract
16 carriers or motor carriers, as defined by applicable State law,
17 nor do they provide taxicab or for-hire vehicle service.

18 (Source: P.A. 98-1173, eff. 6-1-15.)

19 (625 ILCS 57/30)

20 Sec. 30. Operational.

21 (a) A TNC may charge a fare for the services provided to
22 passengers; provided that, if a fare is charged, the TNC shall
23 disclose to passengers the fare calculation method on its
24 website or within the software application service.

25 (b) The TNC shall provide passengers with the applicable

1 rates being charged and the option to receive an estimated fare
2 before the passenger enters the TNC driver's vehicle.

3 (c) The TNC's software application or website shall display
4 a picture of the TNC driver, and the license plate number of
5 the motor vehicle utilized for providing the TNC service before
6 the passenger enters the TNC driver's vehicle.

7 (d) Within a reasonable period of time following the
8 completion of a trip, a TNC shall transmit an electronic
9 receipt to the passenger that lists:

- 10 (1) the origin and destination of the trip;
11 (2) the total time and distance of the trip; and
12 (3) an itemization of the total fare paid, if any.

13 (e) Dispatches for TNC services shall be made only to
14 eligible TNC drivers under Section 15 of this Act who are
15 properly licensed under State law and local ordinances
16 addressing these drivers if applicable.

17 (f) A taxicab may accept a request for transportation
18 received through a TNC's digital network or software
19 application service, and may charge a fare for those services
20 that is similar to those charged by a TNC.

21 (Source: P.A. 98-1173, eff. 6-1-15.)

22 (625 ILCS 57/32)

23 Sec. 32. Preemption. A unit of local government, whether or
24 not it is a home rule unit, may not regulate transportation
25 network companies, transportation network company drivers, or

1 transportation network company services in a manner that is
2 less restrictive than the regulation by the State under this
3 Act. This Section is a limitation under subsection (i) of
4 Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of powers and functions
6 exercised by the State.

7 (Source: P.A. 99-56, eff. 7-16-15.)

8 (625 ILCS 57/34)

9 Sec. 34. Repeal. This Act is repealed on June 1, 2021.

10 (Source: P.A. 101-639, eff. 6-12-20.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."