



Rep. Michael J. Zalewski

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10200SB2183ham002

LRB102 16227 RAM 25875 a

1 AMENDMENT TO SENATE BILL 2183

2 AMENDMENT NO. _____. Amend Senate Bill 2183 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 33.1 as follows:

6 (625 ILCS 57/33.1 new)

7 Sec. 33.1. Continuation of Act; validation.

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

9 (1) Public Act 101-660, which took effect on April 2,
10 2021, reenacted and validated the extension of the repeal
11 date for the Transportation Network Providers Act to June
12 1, 2021 made by Public Act 101-639.

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

1 "inconsistent with the manifest intent of the General
2 Assembly or repugnant to the context of the statute".

3 (3) This amendatory Act of the 102nd General Assembly
4 manifests the intention of the General Assembly to extend
5 the repeal of the Transportation Network Providers Act and
6 have the Transportation Network Providers Act continue in
7 effect until January 1, 2023.

8 (4) The Transportation Network Providers Act was
9 originally enacted to protect, promote, and preserve the
10 general welfare. Any construction of this Act that results
11 in the repeal of this Act on June 1, 2021 would be
12 inconsistent with the manifest intent of the General
13 Assembly and repugnant to the context of the
14 Transportation Network Providers Act.

15 (b) It is hereby declared to have been the intent of the
16 General Assembly that the Transportation Network Providers Act
17 not be subject to repeal on June 1, 2021.

18 (c) The Transportation Network Providers Act shall be
19 deemed to have been in continuous effect since June 1, 2015
20 (the effective date of Public Act 98-1173), and it shall
21 continue to be in effect until it is otherwise lawfully
22 repealed. All previously enacted amendments to the Act taking
23 effect on or after June 1, 2021, are hereby validated.

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

1 (e) In order to ensure the continuing effectiveness of the
2 Transportation Network Providers Act, it is set forth in full
3 and reenacted by this amendatory Act of the 102nd General
4 Assembly. Striking and underscoring are used only to show
5 changes being made to the base text. This reenactment is
6 intended as a continuation of the Act. It is not intended to
7 supersede any amendment to the Act that is enacted by the 102nd
8 General Assembly.

9 (f) The Transportation Network Providers Act applies to
10 all claims, civil actions, and proceedings pending on or filed
11 on or before the effective date of this amendatory Act of the
12 102nd General Assembly.

13 Section 10. The Transportation Network Providers Act is
14 reenacted and amended as follows:

15 (625 ILCS 57/Act title)

16 An Act concerning regulation.

17 (625 ILCS 57/1)

18 (Section scheduled to be repealed on June 1, 2021)

19 Sec. 1. Short title. This Act may be cited as the
20 Transportation Network Providers Act.

21 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

22 (625 ILCS 57/5)

1 (Section scheduled to be repealed on June 1, 2021)

2 Sec. 5. Definitions.

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

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

13 (1) owned, leased, or otherwise authorized for use by
14 the individual;

15 (2) not a taxicab or for-hire public passenger
16 vehicle; and

17 (3) used to provide transportation network company
18 services.

19 "Transportation network company services" or "TNC
20 services" means transportation of a passenger between points
21 chosen by the passenger and prearranged with a TNC driver
22 through the use of a TNC digital network or software
23 application. TNC services shall begin when a TNC driver
24 accepts a request for transportation received through the
25 TNC's digital network or software application service,
26 continue while the TNC driver transports the passenger in the

1 TNC driver's vehicle, and end when the passenger exits the TNC
2 driver's vehicle. TNC service is not a taxicab, for-hire
3 vehicle, or street hail service.

4 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

5 (625 ILCS 57/10)

6 (Section scheduled to be repealed on June 1, 2021)

7 Sec. 10. Insurance.

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

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

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

25 (2) Contingent automobile liability insurance in the

1 amounts required in paragraph (1) of this subsection (b)
2 shall be maintained by a transportation network company
3 and provide coverage in the event a participating TNC
4 driver's own automobile liability policy excludes coverage
5 according to its policy terms or does not provide at least
6 the limits of coverage required in paragraph (1) of this
7 subsection (b).

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

14 (1) Automobile liability insurance shall be primary
15 and in the amount of \$1,000,000 for death, personal
16 injury, and property damage. The requirements for the
17 coverage required by this paragraph (1) may be satisfied
18 by any of the following:

19 (A) automobile liability insurance maintained by a
20 participating TNC driver;

21 (B) automobile liability company insurance
22 maintained by a transportation network company; or

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

24 (2) Insurance coverage provided under this subsection
25 (c) shall also provide for uninsured motorist coverage and
26 underinsured motorist coverage in the amount of \$50,000

1 from the moment a passenger enters the vehicle of a
2 participating TNC driver until the passenger exits the
3 vehicle.

4 (3) The insurer, in the case of insurance coverage
5 provided under this subsection (c), shall have the duty to
6 defend and indemnify the insured.

7 (4) Coverage under an automobile liability insurance
8 policy required under this subsection (c) shall not be
9 dependent on a personal automobile insurance policy first
10 denying a claim nor shall a personal automobile insurance
11 policy be required to first deny a claim.

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

18 (e) This Section shall not limit the liability of a
19 transportation network company arising out of an automobile
20 accident involving a participating TNC driver in any action
21 for damages against a transportation network company for an
22 amount above the required insurance coverage.

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

26 (1) the insurance coverage and limits of liability

1 that the transportation network company provides while the
2 TNC driver uses a vehicle in connection with a
3 transportation network company's digital network or
4 software application; and

5 (2) that the TNC driver's own insurance policy may not
6 provide coverage while the TNC driver uses a vehicle in
7 connection with a transportation network company digital
8 network depending on its terms.

9 (g) An insurance policy required by this Section may be
10 placed with an admitted Illinois insurer, or with an
11 authorized surplus line insurer under Section 445 of the
12 Illinois Insurance Code; and is not subject to any restriction
13 or limitation on the issuance of a policy contained in Section
14 445a of the Illinois Insurance Code.

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

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

25 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

1 (625 ILCS 57/15)

2 (Section scheduled to be repealed on June 1, 2021)

3 Sec. 15. Driver requirements.

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

6 (1) require the individual to submit an application to
7 the TNC or a third party on behalf of the TNC, which
8 includes information regarding his or her full legal name,
9 social security number, address, age, date of birth,
10 driver's license, driving history, motor vehicle
11 registration, automobile liability insurance, and other
12 information required by the TNC;

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

16 (A) Multi-State or Multi-Jurisdictional Criminal
17 Records Locator or other similar commercial nationwide
18 database with validation (primary source search); and

19 (B) National Sex Offenders Registry database; and

20 (3) obtain and review a driving history research
21 report for the individual.

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

24 (1) has had more than 3 moving violations in the prior
25 three-year period, or one major violation in the prior
26 three-year period including, but not limited to,

1 attempting to evade the police, reckless driving, or
2 driving on a suspended or revoked license;

3 (2) has been convicted, within the past 7 years, of
4 driving under the influence of drugs or alcohol, fraud,
5 sexual offenses, use of a motor vehicle to commit a
6 felony, a crime involving property damage, or theft, acts
7 of violence, or acts of terror;

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

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

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

13 (6) does not possess proof of automobile liability
14 insurance for the motor vehicle used to provide TNC
15 services; or

16 (7) is under 19 years of age.

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

20 (Source: P.A. 100-738, eff. 8-7-18. Reenacted by 101-660, eff.
21 4-2-21.)

22 (625 ILCS 57/20)

23 (Section scheduled to be repealed on June 1, 2021)

24 Sec. 20. Non-discrimination.

25 (a) The TNC shall adopt and notify TNC drivers of a policy

1 of non-discrimination on the basis of destination, race,
2 color, national origin, religious belief or affiliation, sex,
3 disability, age, sexual orientation, or gender identity with
4 respect to passengers and potential passengers.

5 (b) TNC drivers shall comply with all applicable laws
6 regarding non-discrimination against passengers or potential
7 passengers on the basis of destination, race, color, national
8 origin, religious belief or affiliation, sex, disability, age,
9 sexual orientation, or gender identity.

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

12 (d) A TNC shall not impose additional charges for
13 providing services to persons with physical disabilities
14 because of those disabilities.

15 (e) A TNC shall provide passengers an opportunity to
16 indicate whether they require a wheelchair accessible vehicle.
17 If a TNC cannot arrange wheelchair-accessible TNC service in
18 any instance, it shall direct the passenger to an alternate
19 provider of wheelchair-accessible service, if available.

20 (f) If a unit of local government has requirements for
21 licensed chauffeurs not to discriminate in providing service
22 in under-served areas, TNC drivers participating in TNC
23 services within that unit of local government shall be subject
24 to the same non-discrimination requirements for providing
25 service in under-served areas.

26 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

1 (625 ILCS 57/25)

2 (Section scheduled to be repealed on June 1, 2021)

3 Sec. 25. Safety.

4 (a) The TNC shall implement a zero tolerance policy on the
5 use of drugs or alcohol while a TNC driver is providing TNC
6 services or is logged into the TNC's digital network but is not
7 providing TNC services.

8 (b) The TNC shall provide notice of the zero tolerance
9 policy on its website, as well as procedures to report a
10 complaint about a driver with whom a passenger was matched and
11 whom the passenger reasonably suspects was under the influence
12 of drugs or alcohol during the course of the trip.

13 (c) Upon receipt of a passenger's complaint alleging a
14 violation of the zero tolerance policy, the TNC shall
15 immediately suspend the TNC driver's access to the TNC's
16 digital platform, and shall conduct an investigation into the
17 reported incident. The suspension shall last the duration of
18 the investigation.

19 (d) The TNC shall require that any motor vehicle that a TNC
20 driver will use to provide TNC services meets vehicle safety
21 and emissions requirements for a private motor vehicle in this
22 State.

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

1 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

2 (625 ILCS 57/30)

3 (Section scheduled to be repealed on June 1, 2021)

4 Sec. 30. Operational.

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

9 (b) The TNC shall provide passengers with the applicable
10 rates being charged and the option to receive an estimated
11 fare before the passenger enters the TNC driver's vehicle.

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

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

19 (1) the origin and destination of the trip;

20 (2) the total time and distance of the trip; and

21 (3) an itemization of the total fare paid, if any.

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

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

5 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

6 (625 ILCS 57/32)

7 (Section scheduled to be repealed on June 1, 2021)

8 Sec. 32. Preemption. A unit of local government, whether
9 or not it is a home rule unit, may not regulate transportation
10 network companies, transportation network company drivers, or
11 transportation network company services in a manner that is
12 less restrictive than the regulation by the State under this
13 Act. This Section is a limitation under subsection (i) of
14 Section 6 of Article VII of the Illinois Constitution on the
15 concurrent exercise by home rule units of powers and functions
16 exercised by the State.

17 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

18 (625 ILCS 57/33)

19 (Section scheduled to be repealed on June 1, 2021)

20 Sec. 33. Continuation of Act; validation.

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

22 (1) Public Act 101-639, which took effect on June 12,
23 2020, changed the repeal date set for the Transportation
24 Network Providers Act from June 1, 2020 to June 1, 2021.

1 (2) The Statute on Statutes sets forth general rules
2 on the repeal of statutes and the construction of multiple
3 amendments, but Section 1 of that Act also states that
4 these rules will not be observed when the result would be
5 "inconsistent with the manifest intent of the General
6 Assembly or repugnant to the context of the statute".

7 (3) This amendatory Act of the 101st General Assembly
8 manifests the intention of the General Assembly to extend
9 the repeal of the Transportation Network Providers Act and
10 have the Transportation Network Providers Act continue in
11 effect until June 1, 2021.

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

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

22 (c) The Transportation Network Providers Act shall be
23 deemed to have been in continuous effect since June 1, 2015
24 (the effective date of Public Act 98-1173), and it shall
25 continue to be in effect until it is otherwise lawfully
26 repealed. All previously enacted amendments to the Act taking

1 effect on or after June 1, 2020, are hereby validated.

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

5 (e) In order to ensure the continuing effectiveness of the
6 Transportation Network Providers Act, it is set forth in full
7 and reenacted by this amendatory Act of the 101st General
8 Assembly. Striking and underscoring are used only to show
9 changes being made to the base text. This reenactment is
10 intended as a continuation of the Act. It is not intended to
11 supersede any amendment to the Act that is enacted by the 101st
12 General Assembly.

13 (f) The Transportation Network Providers Act applies to
14 all claims, civil actions, and proceedings pending on or filed
15 on or before the effective date of this amendatory Act of the
16 101st General Assembly.

17 (Source: P.A. 101-660, eff. 4-2-21.)

18 (625 ILCS 57/34)

19 (Section scheduled to be repealed on June 1, 2021)

20 Sec. 34. Repeal. This Act is repealed on January 1, 2023
21 ~~June 1, 2021~~.

22 (Source: P.A. 101-639, eff. 6-12-20. Reenacted by P.A.
23 101-660, eff. 4-2-21.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".