

Committee on Infrastructure and Security

CS/CS/HB 1039 — Transportation Network Companies

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Rommel and others (CS/CS/SB 1352 by Rules Committee; Innovation, Industry, and Technology; and Senator Brandes)

The bill establishes a regulatory framework for digital advertising on transportation network company (TNC) vehicles and for luxury ground TNC (LGTNC) vehicles. Specifically, the bill:

- Defines the term “transportation network company digital advertising device” or “TNC digital advertising device;” authorizes a TNC driver or his or her designee to contract with a company to install a TNC digital advertising device (DAD) on a TNC vehicle, which is a part of the vehicle; and provides equipment, operational, lighting, and testing requirements for a TNC DAD.
- Prohibits a TNC DAD from displaying advertisements for illegal products or services or that include nudity or violent images and subjects displayed advertisements to the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).
- Provides immunity from liability for display of an advertisement in violation of the FDUTPA or the new section of law created by the bill for:
 - A TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD, unless the TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD had actual knowledge that the advertisement constitutes a violation.
 - A TNC that is not the owner or operator of a TNC DAD that displays an advertisement on a TNC DAD, unless the advertisement is displayed on behalf of the TNC.
- Exempts a TNC from liability under general law by reason of owning, operating, or maintaining the digital network accessed by a TNC driver or rider, or by being affiliated with a TNC driver, for harm to persons or property resulting or arising out of the use, operation, or possession of a motor vehicle operating as a TNC vehicle while the driver is logged on to the digital network if:
 - There is no negligence or criminal wrongdoing on the part of the TNC;
 - The TNC has fulfilled all of its obligations under s. 627.748, F.S., with respect to the TNC driver; and
 - The TNC is not the owner or bailee of the motor vehicle that caused the harm.
- Provides that a motor vehicle that is compliant with the Americans with Disabilities Act and is owned and used by a company that uses a digital network to facilitate prearranged rides to persons with disabilities for compensation may be used as a TNC vehicle.
- Revises and provides definitions to delete references to “for-hire vehicles” as the term relates to TNCs, effectively deeming TNC vehicles as for-hire vehicles providing for-hire vehicle service.
- Defines the term “luxury ground transportation network company” or “luxury ground TNC” to mean a company that:
 - Meets the requirements relating to election to be regulated as an LGTNC, and
 - Uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs.

- Authorizes an entity to elect, upon written notification to the Department of Financial Services, to be regulated as an LGTNC. The bill requires an LGTNC to:
 - Comply with all of the requirements of s. 627.748, F.S., applicable to TNCs which do not conflict with insurance coverage requirements or which do not prohibit the company from connecting riders to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs; and
 - Maintain at all times insurance coverage as required by s. 627.748(7), F.S. The minimum insurance requirements applicable to a vehicle are dependent upon whether the vehicle is being operated as a limousine, or as an LGTNC.
- Authorizes a prospective LGTNC that satisfies minimum financial responsibility requirements at the time of written notification to the department by using self-insurance to continue to use self-insurance.

Includes LGTNCs, LGTNC drivers, and LGTNC vehicles in existing provisions relating to preemption to the state of regulation of TNCs, TNC drivers, and TNC vehicles, thereby preempting to the state regulation of LGTNCs, LGTNC drivers, and LGTNC vehicles.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-2; House 117-0