

2020 -- H 7925

=====
LC004006
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————
A N A C T

RELATING TO PUBLIC UTILITIES - TRANSPORTATION NETWORK COMPANY
SERVICES - WHEELCHAIR LIFT EQUIPMENT VEHICLES

Introduced By: Representatives Serpa, Lima, and Bennett

Date Introduced: February 26, 2020

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 39-14.2-1, 39-14.2-3 and 39-14.2-21 of the General Laws in
2 Chapter 39-14.2 entitled "Transportation Network Company Services" are hereby amended to
3 read as follows:

4 **39-14.2-1. Definitions.**

5 Terms in this chapter shall be construed as follows, unless another meaning is expressed
6 or is clearly apparent from the language or context:

7 (1) "Access provider" means an organization or entity that directly provides, or contracts
8 with a separate organization or entity to provide, on-demand transportation to meet the needs of
9 person with disabilities.

10 ~~(1)~~(2) "Active TNC driver" means a TNC driver who has provided at least one
11 prearranged ride through the TNC in the preceding ninety (90) days.

12 ~~(2)~~(3) "Administrator" means the administrator of the division of public utilities and
13 carriers.

14 ~~(3)~~(4) "Digital network" means any online-enabled technology application service,
15 website, or system offered or utilized by a transportation network company that enables the
16 prearrangement of rider transportation with transportation network company drivers.

17 ~~(4)~~(5) "Division" means the division of public utilities and carriers.

18 ~~(5)~~(6) "Partner" or "partnering" means the act of a TNC operator agreeing to the terms

1 and conditions set forth by a TNC for access to the TNC's digital network for the purpose of
2 being connected to potential TNC riders seeking TNC services.

3 ~~(6)~~(7) "Person" means and includes any individual, partnership, corporation, or other
4 association of individuals.

5 ~~(7)~~(8) "Personal vehicle" means a vehicle that is used by a transportation network
6 company driver and is:

7 (i) Designed to hold no more than seven (7) individuals, including the driver;

8 (ii) Owned, leased, or otherwise authorized for use by the individual; and

9 (iii) Not a jitney, as defined in § 39-13-1; a taxicab or limited public motor vehicle, as
10 defined in § 39-14-1; a public motor vehicle, as defined in § 39-14.1-1; or a common carrier as
11 defined in title 39.

12 ~~(8)~~(9) "Transportation network company" or "TNC" means an entity licensed by the
13 division pursuant to this chapter that uses a digital network to connect transportation network
14 company riders to transportation network operators who provide prearranged rides. A
15 transportation network company shall not be deemed to control, direct, or manage the personal
16 vehicles or transportation network company drivers that connect to its digital network, except
17 where agreed to by written contract.

18 ~~(9)~~(10) "Transportation network company affiliation placard" or "TNC affiliation
19 placard" means a recognizable logo or decal issued by the TNC used to identify personal vehicles
20 whenever such a vehicle is available to provide, or is providing, TNC services.

21 ~~(10)~~(11) "Transportation network operator" or "TNC operator" or "TNC driver" means an
22 individual who:

23 (i) Receives connections to potential riders and related services from a transportation
24 network company in exchange for payment of a fee to the transportation network company; and

25 (ii) Uses a personal vehicle to offer or provide a prearranged ride to TNC riders upon
26 connection through a digital network controlled by a transportation network company in
27 exchange for compensation or payment of a fee.

28 ~~(11)~~(12) "Transportation network company (TNC) rider" or "rider" means an individual
29 or persons who uses a transportation network company's digital network to connect with a
30 transportation network driver who provides prearranged rides to the rider in the driver's personal
31 vehicle between points chosen by the rider.

32 ~~(12)~~(13) "Transportation network company services" or "prearranged ride" means the
33 provision of transportation by a TNC driver to a TNC rider beginning when a TNC driver accepts
34 a TNC rider's request for a ride made only through a digital network controlled by a

1 transportation network company (TNC), continuing while the TNC driver transports the
2 requesting TNC rider(s), and ending when the last requesting TNC rider(s) departs from the
3 personal vehicle. TNC services and prearranged rides do not include transportation provided
4 using a jitney, as defined in § 39-13-1; a taxicab or limited public motor vehicle, as defined in §
5 39-14-1; a public motor vehicle, as defined in § 39-14.1-1; a common carrier as defined in title
6 39, or a regional transportation provider. TNC services and prearranged rides do not include a
7 shared-expense carpool or vanpool arrangement or service.

8 [\(14\) "Wheelchair accessible vehicle" or "WAV" means a vehicle equipped with a ramp or](#)
9 [lift capable of transporting non-folding motorized wheelchairs, mobility scooters, or other](#)
10 [mobility devices.](#)

11 **39-14.2-3. Powers of division.**

12 (a) Every person operating a licensed transportation network company or operating as a
13 licensed transportation network company operator is declared to be subject to the jurisdiction of
14 the division of public utilities and carriers. The division may prescribe rules and regulations
15 consistent with this chapter that are necessary to assure adequate, safe, and compliant service
16 under this chapter. The division is further authorized to conduct investigations into complaints;
17 conduct investigations initiated on its own; and to hold hearings as it deems necessary to fulfill
18 the proper administration of this chapter.

19 (b) The division shall require transportation network companies to establish and
20 implement a written policy capping dynamic pricing during disasters and relevant states of
21 emergency and make this policy available on its website or application.

22 [\(c\) The division shall establish a program relating to accessibility for persons with](#)
23 [disabilities, including users of a wheelchair who need a wheelchair-accessible vehicle \(WAV\).](#)

24 **~~39-14.2-21. Anti-discrimination -- Handicapped accessibility. Anti-discrimination --~~**
25 **Accessibility for people with disabilities**

26 (a) A transportation network company shall adopt a policy of non-discrimination based
27 on the rider's race, color, national origin, religious belief or affiliation, gender, ~~physical~~ disability,
28 age, sexual orientation/identity, gender identity, or the pick-up location or drop-off location
29 requested by the rider. TNCs and TNC operators shall not impose any additional charge(s) for
30 providing services in compliance with this section.

31 (b) TNC drivers shall comply with all applicable laws regarding non-discrimination
32 against riders or potential riders on the basis of the rider's race, color, national origin, religious
33 belief or affiliation, gender, ~~physical~~ disability, age, sexual orientation/identity, gender identity,
34 or the pick-up location or drop-off location requested by the rider.

1 (c) TNC operators shall not deny or refuse service to any rider accompanied by a service
2 animal, nor shall a TNC operator impose any additional charge for the transportation of any such
3 service animal accompanying a TNC rider. Such service animals shall be allowed to accompany
4 the TNC rider in the passenger compartment of the vehicle without any conditions or restrictions,
5 so long as the animal does not impede the safe operation of the vehicle.

6 (d) As part of the regulation of transportation network companies (TNCs), the division
7 shall do all of the following:

8 (1) In a new or existing proceeding, establish a program relating to accessibility for
9 persons with disabilities, including wheelchair users who need a wheelchair-accessible vehicle
10 (WAV). This program shall include, but is not limited to, the following:

11 (i) By January 1, 2021, the division shall begin conducting workshops with stakeholders,
12 including: Rhode Island cities and towns; disability rights organizations; persons with disabilities;
13 the Rhode Island department of transportation; Rhode Island public transit authority (RIPTA);
14 human service transportation coordinating committee; RIPTA accessible transportation
15 committee; governor's commission on disabilities; and transportation network companies, in
16 order to determine community WAV demand and WAV supply and to develop and provide
17 recommendations regarding the establishment of geographic areas, criteria for access fund
18 expenditures, and educational outreach objectives for programs for on-demand services and
19 partnerships consistent with the requirements of this section. Workshops may also examine topics
20 including, but not limited to, vehicle specifications, subsidies for wheelchair pickups,
21 maintenance and fuel costs, designated pickup locations for drivers in locations where door-to-
22 door service is not feasible, standards for trip requests, response times, and rider initiated
23 cancellation, limiting of stranded users, integration of service into city and county transportation
24 plans, or any necessary training or additional incentives for WAV drivers that results in a
25 measurable impact on service availability, efficiency, and efficacy.

26 (ii) The division shall require each TNC by July 1, 2022, to pay on a quarterly basis to the
27 division an amount equivalent to, at minimum, five cents (\$0.05) for each TNC trip completed
28 using the transportation network company's online-enabled application or platform that originates
29 in one of the geographic areas selected pursuant to subsection (v) of this section, except if a TNC
30 meets the requirements of an exemption established by the division.

31 (iii) Each TNC shall charge its customers on each TNC completed trip, the full amount of
32 the per-trip fee established pursuant to this subsection and remit the total amount of those fees
33 charged to the division each quarter. The division shall authorize a TNC to offset against the
34 amounts due pursuant to subsection (ii) of this section for a particular quarter the amounts spent

1 by the TNC during that quarter to improve WAV service on its online-enabled application or
2 platform and thereby reduce the amount required to be remitted to the division.

3 (iv) The division shall create the TNC access for all fund (access fund) and deposit
4 monies collected pursuant to subsection (ii) of this section in the access fund. The division shall
5 distribute funds in the access fund on a competitive basis to access providers that establish on-
6 demand transportation programs or partnerships to meet the needs of persons with disabilities,
7 including wheelchair users who need a WAV.

8 (v) The division shall select geographic areas, which shall be based on the demand for
9 WAVs within the area and selected according to outcomes of workshops in subsection (i) of this
10 section, for inclusion in the on-demand transportation programs or partnerships funded by the
11 access fund. The division shall allocate monies in the access fund for use in each geographic area
12 in a manner that is proportional to the percent of the access fund fees originating in that
13 geographic area.

14 (vi) The division shall request access providers to submit applications to receive funds
15 pursuant to subsection (iv) of this section by January 1, 2022. The division may accept
16 applications for new on-demand transportation programs or partnerships any time after April 1,
17 2022. From the applications that are submitted, the division shall select by July 1, 2022, on-
18 demand transportation programs or partnerships to receive funding based on criteria adopted by
19 the division in consultation with stakeholders described in subsection (i) of this section. As part of
20 the criteria, the division shall require an access provider to demonstrate in its application, at a
21 minimum, how the program or partnership improves response times for WAV service compared
22 to the previous year, the presence and availability of WAVs within the geographic area, and
23 efforts undertaken to publicize and promote available WAV services to disability communities.

24 (vii) The division shall distribute funds from the access fund within ninety (90) days
25 following the end of each fiscal year. If no access provider meets the requirements, funds shall
26 remain in the access fund and be distributed the next year.

27 (viii) Within thirty (30) days after the end of each quarter beginning after July 1, 2022, a
28 transportation network company that receives an offset pursuant to subsection (iii) of this section
29 or an access provider that receives funding pursuant to subsection (vi) of this section shall submit
30 a report to the division. The report shall include, but shall not be limited to, all of the following:

31 (A) The number of WAV rides requested.

32 (B) The number of WAV rides fulfilled.

33 (C) Data detailing the response time between when a WAV ride was requested and when
34 the vehicle arrived.

1 (D) Information regarding educational outreach to disability communities, including, but
2 not limited to, information and promotion of availability of WAVs for wheelchair users.

3 (E) A detailed description of expenditures or investments, as applicable.

4 (ix) The division shall establish yearly benchmarks for TNCs and access providers to
5 meet to ensure WAV users receive continuously improved, reliable, and available service. These
6 benchmarks shall include, but are not limited to, response times, percentage of trips fulfilled
7 versus trips requested, and number of users requesting rides versus community WAV demand for
8 each geographic area.

9 (2) Report to the general assembly by January 1, 2023, on compliance with the section
10 and on the effectiveness of the on-demand transportation programs or partnerships funded
11 pursuant to this section. The report shall include, but not be limited to, all of the following:

12 (i) A study on the demand for WAVs, including demand according to time of day and
13 geographic area.

14 (ii) An analysis of the reports required to be submitted by access providers receiving
15 funding pursuant to subsection (1)(vi) of this section.

16 (iii) The availability of unallocated funds in the access fund, including the need to
17 reassess access fund allocations.

18 (iv) An analysis of current program capabilities and deficiencies, and recommendations
19 to overcome any identified deficiencies.

20 SECTION 2. This act shall take effect on July 1, 2020.

=====
LC004006
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES - TRANSPORTATION NETWORK COMPANY
SERVICES - WHEELCHAIR LIFT EQUIPMENT VEHICLES

1 This act would require ride sharing services to provide wheelchair lift equipment vehicles
2 as part of their fleet and establish a program relating to accessibility for persons with disabilities,
3 including wheelchair users who need a wheelchair-accessible vehicle, in unserved or underserved
4 geographic areas of the state.

5 This act would take effect on July 1, 2020.

=====
LC004006
=====