

2017 Regular Session

HOUSE BILL NO. 672

BY REPRESENTATIVE STAGNI

FEES/LICENSES/PERMITS: Provides for a per ride assessment to be imposed on Transportation Network Companies

1 AN ACT

2 To enact Part V of Chapter 3 of Title 47 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 47:2801 and 2801.1, relative to Transportation Network
4 Companies; to impose an assessment on transportation network companies; to
5 provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part V of Chapter 3 of Title 47 of the Louisiana Revised Statutes of 1950,
8 to be comprised of R.S. 47:2801 and 2801.1, is hereby enacted to read as follows:

9 PART V. TRANSPORTATION NETWORK COMPANY ASSESSMENT

10 §2801. Definitions

11 The following terms, as used in this Part, shall have the meanings ascribed
12 to them in this Section except where a different meaning is expressly stated or
13 clearly indicated by the context:

14 (1) "Department" means the Louisiana Department of Transportation and
15 Development.

16 (2) "Prearranged ride" means the provision of transportation by a TNC driver
17 to a rider, beginning when a TNC driver accepts a ride requested by a rider through
18 a digital network controlled by a transportation network company, continuing while
19 the TNC driver transports a requesting rider, and ending when the last requesting
20 rider departs from the TNC vehicle. A prearranged ride does not include

1 transportation provided by shared expense van pool services, as defined in R.S.
2 45:162, shared expense car pool services, as defined in R.S. 45:162, transportation
3 provided using a vehicle subject to Part A or B of Chapter 4 of Title 45 of Louisiana
4 Revised Statutes of 1950, or engaged solely in interstate commerce.

5 (3) "Transportation network company" or "TNC" means a corporation,
6 partnership, sole proprietorship, or other entity licensed and operating in this state
7 that uses a digital network to connect a TNC rider to a TNC driver who provides a
8 prearranged ride.

9 (4) "Transportation network driver" or "TNC driver" means an individual
10 who receives connections to potential riders and related services from a
11 transportation network company and, in return for compensation, uses a TNC vehicle
12 to offer or provide a prearranged ride to riders upon connection through a digital
13 network controlled by a transportation network company.

14 (5) "Transportation network rider" or "TNC rider" means an individual or
15 persons who use a transportation network company's digital network to connect with
16 a transportation network company driver who provides prearranged rides in the TNC
17 driver's TNC vehicle between points chosen by the TNC rider.

18 (6) "Transportation network vehicle" or "TNC vehicle" means a vehicle that
19 is used by a transportation network company driver to offer or provide a prearranged
20 ride and is owned, leased, or otherwise authorized for use by the transportation
21 network company driver. Notwithstanding any other provision of law to the
22 contrary, a vehicle that is let or rented to another for consideration may be used as
23 a transportation network company vehicle.

24 §2801.1. Ride assessment; violations; penalties

25 A. Each TNC shall submit to the department the number of rides, from each
26 calendar quarter, that originated within each political subdivision and a per ride
27 assessment of twenty-five cents which shall be taken from the base fee. A TNC shall
28 not charge or convey the cost of the per ride assessment to a TNC rider or TNC
29 driver, as defined in R.S. 47:2801.

1 B. The TNC shall remit to the department, not later than the March 31, June
2 30, September 30, and December 31 of each calendar year, all of the following:

3 (1) A report summarizing the aggregate number of rides from the previous
4 quarter originating within each political subdivision using geographic information
5 system data made available by the department.

6 (2) The quarterly per ride assessment.

7 C. The full assessment collected pursuant to this Section shall be paid to the
8 state treasurer on or before the tenth day of each month following collection and
9 shall be credited to the Transportation Trust Fund. The monies shall be used solely
10 to fund the construction, improvements, and maintenance of roads and bridges across
11 the state.

12 D.(1) The department shall send a violation notice by first class mail to a
13 TNC who fails to report the aggregate number of rides from the previous quarter or
14 fails to remit the per ride assessment imposed pursuant to this Section.

15 (2) The violation notice shall also include all of the following applicable
16 information:

17 (a) The name of the TNC.

18 (b) The full unpaid per ride assessment amount.

19 (c) The statement that the TNC failed to report the aggregate number of rides
20 from the pervious quarter.

21 (d) The date of the failure or failures to pay the assessment.

22 (e) Any other information deemed appropriate.

23 (3) The violation notice shall include a warning that the TNC shall pay the
24 per ride assessment referenced in the notice or report the aggregate number of rides
25 from the previous quarter, or both within thirty calendar days after the date of the
26 issuance of the violation notice or a late fee will be imposed.

27 (4) Failure to remit each quarterly assessment, report the aggregate number
28 of rides from the previous quarter, or both within thirty calendar days after the date

1 of the issuance of the violation notice will result in a twenty-five thousand dollar late
2 fee assessed against the TNC in addition to the per ride assessment owed.

3 (5) Payments of penalties shall be collected by the department and remitted
4 to the Transportation Trust Fund.

5 E. Beginning February 1, 2019, and every year thereafter, the department
6 shall submit a report to the Senate Committee on Transportation, Highways and
7 Public Works and the House Committee on Transportation, Highways and Public
8 Works detailing the projects and the amount of the per ride assessment used or
9 planned to be used for the construction, improvements, and maintenance of roads and
10 bridges across the state. The report shall be made public on the website of the
11 department.

12 G. The Department of Transportation and Development shall promulgate
13 rules and regulations regarding the imposition, collection, payment, and remittance
14 of the fee assessed by this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 672 Original

2017 Regular Session

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Abstract: Imposes a per ride assessment on Transportation Network Companies and establishes penalties for non-compliance.

Proposed law defines "department" as the La. Dept. of Transportation and Development.

Proposed law defines "prearranged ride" as the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports a requesting rider, and ending when the last requesting rider departs from the TNC vehicle. A prearranged ride does not include transportation provided by shared expense van pool services, as defined pursuant to present law (R.S. 45:162(18)), shared expense car pool services, as defined pursuant to present law (R.S. 26 45:162(1)), transportation provided using a vehicle subject to present law (Part A or B of Chapter 4 of Title 45), or engaged solely in interstate commerce.

Proposed law defines "transportation network company", "TNC", or "Company" as a corporation, partnership, sole proprietorship, or other entity licensed and operating in this state that uses a digital network to connect a TNC rider to a TNC driver who provides a prearranged ride. A TNC may not control, direct, or manage the personal vehicle or the TNC driver who connects to its digital network, except where agreed to by written contract.

Proposed law defines "transportation network company driver" or "TNC driver" as an individual who receives connections to potential riders and related services from a transportation network company and, in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company.

Proposed law defines "transportation network company rider" or "rider" as an individual or persons who use a transportation network company's digital network to connect with a transportation network company driver who provides prearranged rides in the TNC driver's TNC vehicle between points chosen by the rider.

Proposed law defines "transportation network company vehicle" or "TNC vehicle" as a vehicle that is used by a transportation network company driver to offer or provide a prearranged ride and is owned, leased, or otherwise authorized for use by the transportation network company driver. Notwithstanding any other provision of law, a vehicle that is let or rented to another for consideration may be used as a transportation network company vehicle.

Proposed law requires each TNC submit the number of rides that originated within each political subdivision and a per ride assessment fee of \$0.25, taken from the base fee, to the department each calendar quarter.

Proposed law prohibits the TNC from charging or conveying the per ride assessment to a TNC rider or TNC driver as defined in proposed law.

Proposed law requires the TNC to submit a report summarizing the aggregate number of rides from the previous quarter originating within each political subdivision using geographic information system data made available by the department to the department not later than March 31, June 30, September 30, and December 31 of each calendar year.

Proposed law requires the full assessment collected pursuant to proposed law to be paid to the state treasurer on or before the 10th day of each month following collection of the per ride assessment and credited to the Transportation Trust Fund.

Proposed law authorizes the monies from the per ride assessment to be used solely to fund the construction, improvements, and maintenance of roads and bridges across the state.

Proposed law requires the department send a violation notice by first class mail to a TNC who fails to report the aggregate number of rides quarterly or fails to remit the per ride assessment imposed pursuant to proposed law.

Proposed law requires the violation notice include the name of the TNC, the full unpaid per ride assessment amount, the statement that the TNC failed to report the aggregate number of rides from the previous quarter, the date of the failure or failures to pay the assessment, and any other information deemed appropriate.

Proposed law requires the violation notice include a warning that the TNC shall pay the per ride assessment, report the aggregate number of rides from the previous quarter, or both within 30 calendar days of the date of issuance of the violation notice or a late fee will be imposed.

Proposed law imposes a \$25,000 late fee per quarter when a TNC fails to remit each quarterly assessment, report the aggregate number of rides from the previous quarter, or both within 30 calendar days after the date of the issuance of the violation notice.

Proposed law requires the payments of penalties be collected by the department and remitted to the Transportation Trust Fund.

Proposed law requires the department annually submit a report to the Senate and House Committees on Transportation, Highways and Public Works detailing the projects and the amount of the per ride assessment used or planned to be used for the construction, improvements, and maintenance of roads and bridges across the state.

Proposed law requires the department promulgate rules and regulations regarding the imposition, collection, payment, and remittance of the fee assessed in proposed law.

(Adds R.S. 47:2801 and 2801.1)