

IC 8-2.1-19.1

Chapter 19.1. Transportation Network Companies

IC 8-2.1-19.1-1

Permit required

Sec. 1. (a) A transportation network company may not operate in Indiana without a permit issued under section 3 of this chapter.

(b) A permit is valid for one (1) year after the date of issuance.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-2

Distinguished from carriers

Sec. 2. A TNC or a TNC driver is not:

- (1) a common carrier;
- (2) a contract carrier; or
- (3) a motor carrier.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-3

Permit requirements

Sec. 3. The department shall issue a permit to a TNC that satisfies the following requirements:

- (1) Establishes a zero tolerance policy for drug and alcohol use under section 6 of this chapter.
- (2) Requires compliance with applicable vehicle requirements under section 7 of this chapter.
- (3) Imposes motor vehicle insurance requirements that meet or exceed the requirements under section 8 of this chapter.
- (4) Establishes fare guidelines under section 13 of this chapter.
- (5) Establishes a privacy policy under section 14 of this chapter.
- (6) Adopts nondiscrimination and accessibility policies under section 15 of this chapter.
- (7) Establishes record maintenance guidelines under section 16 of this chapter.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-4

TNC driver is independent contractor; TNC does not control

Sec. 4. Except as otherwise provided in a written contract:

- (1) a TNC driver who connects to a TNC's digital network is an independent contractor of the TNC; and
- (2) a TNC is not considered to do either of the following:
 - (A) Control, direct, or manage a TNC driver who connects to the TNC's digital network.
 - (B) Own, control, operate, or manage a personal vehicle used by a TNC driver to provide prearranged rides.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-5**TNC driver requirements before acting as a TNC driver**

Sec. 5. (a) Before a TNC allows an individual to act as a TNC driver on the TNC's digital network, the TNC shall:

(1) require the individual to submit to the TNC an application that includes:

- (A) the individual's name, address, and age;
- (B) a copy of the individual's driver's license;
- (C) a copy of the certificate of registration for the personal vehicle that the individual will use to provide prearranged rides;
- (D) proof of financial responsibility for the personal vehicle described in clause (C) of a type and in the amounts required by the TNC; and
- (E) any other information required by the TNC;

(2) with respect to the individual, conduct, or contract with a third party to conduct:

- (A) a local and national criminal background check; and
- (B) a search of the national sex offender registry; and

(3) obtain a copy of the individual's driving record maintained under IC 9-14-12-3.

(b) A TNC may not knowingly allow to act as a TNC driver on the TNC's digital network an individual:

(1) who has received judgments for:

- (A) more than three (3) moving traffic violations; or
- (B) at least one (1) violation involving reckless driving or driving on a suspended or revoked license;

in the preceding three (3) years;

(2) who has been convicted of a:

- (A) felony; or
- (B) misdemeanor involving:
 - (i) resisting law enforcement;
 - (ii) dishonesty;
 - (iii) injury to a person;
 - (iv) operating while intoxicated;
 - (v) operating a vehicle in a manner that endangers a person;
 - (vi) operating a vehicle with a suspended or revoked license; or
 - (vii) damage to the property of another person;

in the preceding seven (7) years;

(3) who is a match in the national sex offender registry;

(4) who is unable to provide information required under subsection (a); or

(5) who is less than nineteen (19) years of age.

As added by P.L.175-2015, SEC.10. Amended by P.L.198-2016, SEC.60.

IC 8-2.1-19.1-6

Drug and alcohol policy

Sec. 6. (a) A TNC shall establish and enforce a zero tolerance policy for drug and alcohol use by TNC drivers during any period when a TNC driver is engaged in, or is logged into the TNC's digital network but is not engaged in, a prearranged ride. The policy must include provisions for:

- (1) investigations of alleged policy violations; and
 - (2) suspensions of TNC drivers under investigation.
- (b) A TNC shall publish on the TNC's digital network:
- (1) the policy established under subsection (a); and
 - (2) the procedure by which a TNC rider may report a violation of the policy by a TNC driver.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-7

Vehicle equipment compliance

Sec. 7. A TNC must require that a personal vehicle used to provide prearranged rides must comply with all applicable laws and regulations concerning vehicle equipment.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-8

Motor vehicle insurance requirements; proof of coverage; payment for repairs

Sec. 8. (a) Not later than July 15, 2015, a TNC driver, or a TNC on the TNC driver's behalf, shall maintain primary motor vehicle insurance that meets the following requirements:

- (1) The motor vehicle insurance is issued:
 - (A) by an insurance company that holds a certificate of authority to do insurance business in Indiana under IC 27-1-3-20; or
 - (B) through a surplus lines producer licensed under IC 27-1-15.8.
- (2) The language of the motor vehicle insurance policy:
 - (A) recognizes that the driver is a TNC driver or otherwise uses the personal vehicle to transport passengers for compensation; and
 - (B) covers the driver while the driver is:
 - (i) logged on to the TNC's digital network; or
 - (ii) engaged in a prearranged ride.
- (3) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is logged on to the TNC's digital network, but is not engaged in a prearranged ride:
 - (A) Primary motor vehicle liability insurance in an amount equal to at least:
 - (i) fifty thousand dollars (\$50,000) per person for death and bodily injury;

- (ii) one hundred thousand dollars (\$100,000) per incident for death and bodily injury; and
 - (iii) twenty-five thousand dollars (\$25,000) per incident for property damage;
- (B) The insurance required by clause (A) may be provided by any of the following:
 - (i) Motor vehicle insurance maintained by the TNC driver.
 - (ii) Motor vehicle insurance maintained by the TNC.
 - (iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).
- (4) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is engaged in a prearranged ride:
 - (A) Primary motor vehicle liability insurance in an amount equal to at least one million dollars (\$1,000,000) per incident for death, bodily injury, and property damage.
 - (B) The insurance required by clause (A) may be provided by any of the following:
 - (i) Motor vehicle insurance maintained by the TNC driver.
 - (ii) Motor vehicle insurance maintained by the TNC.
 - (iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).
- (b) If motor vehicle insurance maintained by a TNC driver as described in subsection (a) lapses or does not provide the required coverage:
 - (1) motor vehicle insurance maintained by the TNC must provide the required coverage beginning with the first dollar of a claim; and
 - (2) the insurance company that issues the motor vehicle insurance described in subdivision (1) has a duty to defend the claim described in subdivision (1).
- (c) Coverage under motor vehicle insurance maintained by a TNC may not be dependent on a personal motor vehicle insurance company's first denying a claim for coverage under a personal motor vehicle insurance policy, nor may a personal motor vehicle insurance company be required to first deny a claim.
- (d) A motor vehicle insurance policy that meets the coverage requirements of subsection (a) satisfies the financial responsibility requirement of IC 9-25 while the driver of the personal vehicle is:
 - (A) logged on to the TNC's digital network; or
 - (B) engaged in a prearranged ride.
- (e) A TNC driver shall do the following:
 - (1) At all times during which the TNC driver uses a personal vehicle in connection with a TNC's digital network, carry proof of the coverage required by subsection (a).
 - (2) In the event of an accident, upon request, provide to directly interested parties, motor vehicle insurance companies, and investigating law enforcement officers:

- (A) the proof described in subdivision (1); and
 - (B) a disclosure of whether the TNC driver was:
 - (i) logged on to the TNC's digital network; or
 - (ii) engaged in a prearranged ride;
- at the time of the accident.

Information provided under this subdivision may be provided in electronic form under IC 27-1-43-3, as applicable.

(f) If a TNC's motor vehicle insurance provides comprehensive coverage or collision coverage for a claim for repair to a personal vehicle, the TNC shall direct the insurance company to make the claim payment:

- (1) directly to the person that repairs the personal vehicle as payment in full for the completed repairs; or
 - (2) jointly to:
 - (A) the owner of; and
 - (B) any primary lienholder on;
- the personal vehicle.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-9

Disclosures concerning motor vehicle insurance coverage

Sec. 9. A TNC shall, before the TNC allows a TNC driver to accept a request for a prearranged ride on the TNC's digital network, disclose in writing to the TNC driver all the following:

- (1) The motor vehicle insurance coverage, including the types of coverage and limits of liability for each type of coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.
- (2) That the terms of the TNC driver's own motor vehicle insurance policy may not provide coverage while the TNC driver is:
 - (A) logged on to the TNC's digital network; or
 - (B) engaged in a prearranged ride.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-10

Exclusions of coverage permitted

Sec. 10. (a) An insurance company that writes motor vehicle insurance in Indiana may exclude coverage under a motor vehicle insurance policy issued to an owner or operator of a personal vehicle for a loss or injury that occurs while the driver is:

- (1) logged on to a TNC's digital network; or
- (2) engaged in a prearranged ride.

(b) An exclusion described in subsection (a) includes any coverage included in a motor vehicle insurance policy, including the following:

- (1) Liability coverage for death, bodily injury, and property damage.

- (2) Uninsured and underinsured motorist coverage.
 - (3) Medical payments coverage.
 - (4) Comprehensive physical damage coverage.
 - (5) Collision physical damage coverage.
 - (c) An exclusion described in this section applies notwithstanding any requirement of IC 9-25.
 - (d) This chapter does not do either of the following:
 - (1) Require a personal motor vehicle insurance policy to provide coverage while the driver is:
 - (A) logged on to a TNC's digital network;
 - (B) engaged in a prearranged ride; or
 - (C) otherwise using a personal vehicle to transport passengers for compensation.
 - (2) Preclude an insurance company from providing the coverage described in subdivision (1) under a contract or an endorsement.
- As added by P.L.175-2015, SEC.10.*

IC 8-2.1-19.1-11

Coverage exclusion; duty to defend, indemnify; right of contribution

Sec. 11. (a) An insurance company that excludes coverage described in section 10 of this chapter has no duty to defend or indemnify a claim for coverage that is expressly excluded under a motor vehicle insurance policy.

(b) This chapter does not invalidate or limit an exclusion:

- (1) of coverage for a personal vehicle that is:
 - (A) used to carry an individual or property for a charge; or
 - (B) available for hire by the public; and

(2) contained in a motor vehicle insurance policy;

including a policy filed under IC 27-1-22-4 or in use in Indiana before July 1, 2015.

(c) An insurance company that defends or indemnifies a claim against a TNC driver for which coverage is excluded under the terms of a motor vehicle insurance policy has a right of contribution against any other insurance company that issues motor vehicle insurance coverage to the TNC driver:

- (1) in satisfaction of the requirements of section 8 of this chapter; and
- (2) in effect at the time the loss occurs.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-12

Claim coverage investigation

Sec. 12. In a claim coverage investigation, a TNC and an insurance company that issues a motor vehicle insurance policy potentially providing the coverage required by section 8 of this chapter shall cooperate to facilitate the exchange of information with directly involved parties and any insurance company that issues a

motor vehicle insurance policy that provides coverage to the TNC driver, including:

- (1) the precise time that a TNC driver logs on to and off of the TNC's digital network during the twelve (12) hour period immediately preceding, and the twelve (12) hour period immediately following, the accident; and
- (2) disclosure among the parties and insurance companies of a clear description of the insurance coverage, exclusions, and limitations that apply under any applicable motor vehicle insurance policy that:
 - (A) is issued or maintained by a party; and
 - (B) provides the coverage required by section 8 of this chapter.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-13

Fare guidelines; payment

Sec. 13. (a) A TNC shall establish guidelines under which a TNC may charge a fare for prearranged rides. The guidelines must require the following:

- (1) Disclosure of the fare calculation method on the TNC's digital network.
- (2) Publication to TNC riders of applicable rates at the time of service.
- (3) Providing a TNC rider the option to receive an estimated fare before the TNC rider enters a personal vehicle operated by a TNC driver.
- (4) Payment of a fare only by electronic means using the TNC's digital network.

(b) A TNC driver may not solicit or accept cash payments from TNC riders.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-14

Privacy policy

Sec. 14. (a) A TNC shall establish a privacy policy to protect the personal identifying information of a TNC rider.

(b) A policy established under subsection (a) shall prohibit the disclosure of a TNC rider's personal identifying information unless:

- (1) the TNC rider consents in writing to the disclosure;
- (2) the disclosure is required under law; or
- (3) the disclosure is necessary to:
 - (A) protect or defend; or
 - (B) investigate violations of;the terms of use of prearranged rides.

(c) A policy established under subsection (a) may authorize the disclosure of a TNC rider's name and telephone number by a TNC to a TNC driver to facilitate the provision of prearranged rides by the

TNC driver to the TNC rider.
As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-15

Nondiscrimination and accessibility

Sec. 15. (a) A TNC shall adopt policies concerning nondiscrimination and accessibility that comply with state and federal law.

(b) A TNC may not impose an additional charge on or a different fare schedule for a TNC rider who is an individual with a disability.

(c) At the time a TNC rider requests a prearranged ride through a TNC's digital network, the TNC shall provide the TNC rider an opportunity to indicate whether the TNC rider requires a vehicle that is wheelchair accessible. If the TNC is unable to make available a vehicle that is wheelchair accessible, the TNC shall inform the TNC rider of an alternative service that is wheelchair accessible.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-16

Record maintenance requirements

Sec. 16. A TNC shall establish record maintenance guidelines that require the following:

(1) Records related to the enforcement of a zero tolerance policy established under section 6(a) of this chapter must be maintained for at least two (2) years following the date on which a TNC rider reports a violation of the policy.

(2) Individual trip records must be maintained for at least one (1) year from the date of each trip.

(3) Records related to a TNC driver must be maintained for at least one (1) year following the date on which a TNC driver is no longer permitted to act as a TNC driver on the TNC's digital network.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-17

Display of TNC driver's photograph and license plate number

Sec. 17. At the time a TNC rider arranges with a TNC for a prearranged ride, the TNC shall display on the TNC's digital network:

(1) a digital photograph of the TNC driver; and

(2) the license plate number of the personal vehicle;

that will be used to provide a prearranged ride to the TNC rider.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-18

Electronic receipt

Sec. 18. Within a reasonable time after a TNC driver provides a prearranged ride to a TNC rider, the TNC shall transmit to the TNC

rider an electronic receipt that includes the following information:

- (1) The origin and destination of the trip.
- (2) The total duration and distance of the trip.
- (3) An itemization of the total fare.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-19

Street hail prohibition

Sec. 19. A TNC or a TNC driver may not solicit or accept street hails.

As added by P.L.175-2015, SEC.10.

IC 8-2.1-19.1-20

Violation

Sec. 20. A person that violates this chapter commits a Class A infraction.

As added by P.L.175-2015, SEC.10.