

AMENDMENTS TO LB629

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 75-109.01, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 75-109.01 Except as otherwise specifically provided by law, the
6 Public Service Commission shall have jurisdiction, as prescribed, over
7 the following subjects:

8 (1) Common carriers, generally, pursuant to sections 75-101 to
9 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
11 Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles pursuant to the
13 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

14 (4) Modular housing units pursuant to the Nebraska Uniform Standards
15 for Modular Housing Units Act;

16 (5) Motor carrier registration and safety pursuant to sections
17 75-301 to 75-322, 75-369.03, 75-370, and 75-371 and sections 2 to 22 of
18 this act;

19 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
20 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
21 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
22 the provisions of the Major Oil Pipeline Siting Act, the provisions of
23 the Major Oil Pipeline Siting Act control;

24 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
25 74-1323, and 75-401 to 75-430;

26 (8) Telecommunications carriers pursuant to the Automatic Dialing-
27 Announcing Devices Act, the Emergency Telephone Communications Systems

1 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
2 Regulation Act, the Nebraska Telecommunications Regulation Act, the
3 Nebraska Telecommunications Universal Service Fund Act, the
4 Telecommunications Relay System Act, the Telephone Consumer Slamming
5 Prevention Act, and sections 86-574 to 86-580;

6 (9) Transmission lines and rights-of-way pursuant to sections 70-301
7 and 75-702 to 75-724;

8 (10) Water service pursuant to the Water Service Regulation Act; and

9 (11) Jurisdictional utilities governed by the State Natural Gas
10 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
11 provisions of the State Natural Gas Regulation Act, the provisions of the
12 State Natural Gas Regulation Act control.

13 Sec. 2. For purposes of sections 75-301 to 75-322 and sections 2 to
14 22 of this act, unless the context otherwise requires:

15 (1) Application open stage means the time period from the moment a
16 participating driver logs on to the transportation network company's
17 online-enabled application or platform until the driver accepts a request
18 to transport a passenger and from the moment the driver completes the
19 transaction on the online-enabled application or platform or the
20 passenger exits the vehicle, whichever is later, until the driver either
21 accepts another ride request on the online-enabled application or
22 platform or logs off the online-enabled application or platform;

23 (2) Engaged stage means the time period from the moment a
24 participating driver accepts a ride request on the transportation network
25 company online-enabled application or platform until the driver completes
26 the transaction on the online-enabled application or platform or until
27 the passenger exits the vehicle, whichever is later;

28 (3) Insurance policy means a policy placed with an authorized
29 Nebraska insurer or with a surplus lines insurer pursuant to Chapter 44;

30 (4) Participating driver or driver means any person who uses a
31 personal vehicle in connection with a transportation network company's

1 online-enabled application or platform to connect with passengers;

2 (5) Passenger means a passenger in a personal vehicle for whom a
3 driver provides transportation and who is connected with a driver by a
4 transportation network company's online-enabled application or platform;

5 (6) Passengers on board stage means the time period when there are
6 passengers in the vehicle pursuant to the driver's participation in a
7 transportation network company;

8 (7) Personal vehicle means a passenger car as defined in section
9 60-345 that a driver uses to provide services on a transportation network
10 company's online-enabled application or platform;

11 (8) Prearranged ride means a ride in which a participating driver is
12 matched to a passenger through a transportation network company's online-
13 enabled application or platform and does not include the on-demand
14 summoning of a ride or street hail;

15 (9) Service means the provision of transportation by a driver to a
16 passenger with whom a transportation network company matches the driver;

17 (10) Transportation network company means an organization, including
18 a corporation, a limited liability company, a partnership, a sole
19 proprietor, or any other entity, operating in this state that provides
20 prearranged transportation services for compensation using an online-
21 enabled application or platform to connect passengers with participating
22 drivers using a personal vehicle. Transportation network company does not
23 include medicaid nonemergency medical transportation brokerage services
24 provided pursuant to a contract with the Department of Health and Human
25 Services; and

26 (11) Transportation network company insurance means an insurance
27 policy that covers loss arising from a participating driver's use of a
28 personal vehicle in connection with a transportation network company's
29 online-enabled application or platform.

30 Sec. 3. (1) No person shall operate a transportation network
31 company in Nebraska without first obtaining a permit from the commission.

1 The application for a permit shall be in writing, under oath, submitted
2 to the commission, and accompanied by the fee required under section
3 75-305. A duly authorized official of the applicant who possesses the
4 full power and authority to make binding representations on the
5 applicant's behalf shall subscribe to the oath on the application. The
6 application shall contain the following information:

7 (a) The legal name of the applicant;

8 (b) Any name under which the applicant will or does conduct business
9 in Nebraska;

10 (c) The applicant's primary business address and telephone number;

11 (d) A copy of the articles of organization or certificate to
12 transact business in Nebraska;

13 (e) The name, address, and telephone number of the applicant's
14 registered agent in Nebraska; and

15 (f) A statement that the applicant agrees to adhere to the statutes
16 of Nebraska and to the rules and regulations of the commission regulating
17 transportation network companies.

18 (2)(a) The commission shall review the application for completeness
19 and verify the information submitted. If the commission finds any
20 information incomplete or inaccurate, the commission shall notify the
21 applicant and give the applicant the opportunity to complete the
22 application.

23 (b) If an applicant is duly certified or permitted to operate a
24 transportation network company in at least one other state, the
25 commission shall, within sixty days after receiving a complete
26 application, issue a permit to the applicant if the applicant meets the
27 requirements of sections 2 to 22 of this act.

28 (c) If an applicant is not duly certified or permitted to operate a
29 transportation network company in at least one other state, the applicant
30 shall bear the burden of demonstrating that (i) the applicant has
31 sufficient financial resources to provide transportation network company

1 services in the proposed service territory, (ii) the applicant has
2 sufficient technical competency to provide transportation network company
3 services in the proposed service territory, and (iii) the applicant has
4 sufficient managerial resources to provide transportation network company
5 services in the proposed service territory. If the requirements of
6 subdivision (i) through (iii) of this subdivision are met and the
7 applicant has satisfactorily provided all of the information in the
8 application required under this section, the commission shall, within
9 ninety days after receiving a complete application, issue a permit to the
10 applicant if the applicant meets the requirements of sections 2 to 22 of
11 this act.

12 (3) A participating driver contracting with a transportation network
13 company holding a valid permit from the commission shall not be required
14 to obtain a permit or certificate from the commission when driving
15 pursuant to the terms of the contract with the transportation network
16 company.

17 Sec. 4. (1) Every transportation network company shall:

18 (a) Provide the commission with its email address and customer
19 service telephone number;

20 (b) Display for the passenger either a picture of the driver's
21 personal vehicle and a picture of the driver or the license plate number
22 of the driver's personal vehicle on the online-enabled application or
23 platform that a transportation network company uses to connect drivers
24 and passengers;

25 (c) Maintain an agent for service of process in Nebraska;

26 (d) Maintain accurate and up-to-date records of all drivers
27 providing services on behalf of the transportation network company,
28 including the vehicle identification number for all personal vehicles to
29 be operated in connection with the transportation network company;

30 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on
31 the use of drugs or alcohol applicable to any driver providing service

1 for the transportation network company that prohibits a driver from using
2 any amount of drugs or alcohol while the driver is providing service,
3 (ii) provide a copy of the policy to the commission promptly upon
4 adoption, and (iii) provide a copy of any revision to the policy promptly
5 upon adoption;

6 (f) Implement an anti-discrimination policy that prohibits
7 discrimination by any driver providing service for the company on the
8 basis of race, national origin, religion, gender, physical or mental
9 disability, medical condition, marital status, or age and file the policy
10 with the commission;

11 (g) Maintain a web site that provides a customer service telephone
12 number or email address of the transportation network company and that
13 provides the telephone number and email address of the commission;

14 (h) Establish a driver training program designed to ensure that each
15 driver safely operates his or her personal vehicle prior to the driver
16 being able to offer services on the transportation network company's
17 online-enabled application or platform;

18 (i) Maintain records required under sections 75-301 to 75-322 and
19 sections 2 to 22 of this act to be collected by the transportation
20 network company, including records regarding participating drivers; and

21 (j) Cooperate with the commission and any employees, investigators,
22 or duly authorized agents of the commission in the investigation of
23 complaints received by the commission from the public or in
24 investigations initiated by the commission.

25 (2) A transportation network company shall not allow a driver to
26 provide service if the company finds the driver to be in violation of its
27 zero-tolerance policy required pursuant to subdivision (1)(e) of this
28 section or if the driver has not successfully completed driver training
29 pursuant to subdivision (1)(h) of this section. The transportation
30 network company shall provide on its web site and its online-enabled
31 application or platform notice of the zero-tolerance policy and the

1 procedures to report a complaint about a driver with whom the passenger
2 was matched when the passenger reasonably suspects the driver was under
3 the influence of drugs or alcohol during the course of the prearranged
4 ride. Upon receiving a complaint, a transportation network company shall
5 immediately suspend the driver against whom the complaint was issued and
6 conduct an investigation of the alleged violation. The suspension shall
7 last for the duration of the investigation.

8 (3) If the commission has reasonable cause to believe a
9 transportation network company is not enforcing the zero-tolerance policy
10 filed with the commission, the commission shall investigate and, after
11 notice and hearing, may enter an order requiring the transportation
12 network company to enforce such policy, which may include suspension of
13 the participating driver.

14 Sec. 5. (1) A participating driver must possess a valid driver's
15 license, proof of registration, and proof of automobile liability
16 insurance and be at least twenty-one years of age.

17 (2) Prior to permitting a person to act as a driver, the
18 transportation network company shall obtain and review a national
19 criminal history record information check. The criminal disposition
20 information retrieved by the transportation network company's national
21 criminal history record information check shall be at least as
22 comprehensive as the criminal disposition information retrieved by a
23 national criminal history record information check performed by the
24 Federal Bureau of Investigation pursuant to section 81-6,120. Nothing in
25 this subsection shall be construed to require fingerprinting as part of
26 the national criminal history record information check.

27 (3) A person who has four or more moving traffic violations or one
28 or more major traffic violations in the three years prior to the date of
29 the criminal background check shall not serve as a driver. For purposes
30 of this subsection, the following offenses shall constitute major traffic
31 violations:

1 (a) Failure to stop and report or render aid as required under
2 section 60-696 or 60-697;

3 (b) Reckless driving in violation of any city or village ordinance
4 or of section 60-6,213, 60-6,214, or 60-6,217;

5 (c) Speeding of more than thirty-five miles per hour over the speed
6 limit; and

7 (d) Failure to yield to a pedestrian resulting in bodily injury to a
8 pedestrian.

9 (4) A person who has been convicted of or pled guilty or nolo
10 contendere to driving under the influence of drugs or alcohol in the
11 previous seven years in this state or any other state or territory prior
12 to the date of the criminal background check shall not serve as a driver.

13 (5) A person who is required to register as a sex offender or who
14 has been convicted of or pled guilty or nolo contendere to any offense
15 involving fraud, use of a motor vehicle to commit a felony, a crime
16 involving property damage, theft, acts of violence, or acts of terror
17 shall not serve as a driver.

18 Sec. 6. (1) A participating driver shall not provide a ride unless
19 it is a prearranged ride. No person shall be a participating driver for a
20 period of more than twelve hours during each twenty-four-hour period.

21 (2)(a) A transportation network company may offer service for
22 compensation, no charge, or suggested compensation.

23 (b) Except as provided in this section, transportation network
24 companies shall not be subject to rate regulation by the commission and
25 shall not be subject to provisions relating to rates and charges
26 prescribed in sections 75-101 to 75-158.

27 (c) A transportation network company shall file with the commission
28 the rates it uses to determine any compensation or suggested compensation
29 on its online-enabled application or platform, including any use of
30 dynamic pricing. The transportation network company shall keep the rate
31 filing current and shall charge rates consistent with the rates it files

1 with the commission.

2 (d) The following requirements apply if the transportation network
3 company uses dynamic pricing through its online-enabled application or
4 platform:

5 (i) The transportation network company's online-enabled application
6 or platform shall provide clear visible indication that dynamic pricing
7 is in effect prior to the passenger requesting a ride;

8 (ii) The transportation network company's online-enabled application
9 or platform shall include a feature that requires the passenger to
10 expressly confirm that he or she understands that dynamic pricing will be
11 used in order for the ride request to be completed;

12 (iii) The transportation network company's online-enabled
13 application or platform shall provide a fare estimator that enables the
14 passenger to estimate the cost under dynamic pricing prior to requesting
15 the ride; and

16 (iv) Dynamic pricing shall not be permitted during any state of
17 emergency declared by the Governor.

18 (3) Upon completion of a prearranged ride, a transportation network
19 company shall transmit an electronic receipt to the passenger's email
20 address or online-enabled application documenting the following:

21 (a) The point of origin and destination of the prearranged ride;

22 (b) The total duration and distance of the prearranged ride;

23 (c) The total amount paid, if any, including the base fare and any
24 additional charges incurred for distance traveled or duration of the
25 prearranged ride; and

26 (d) The driver's first name.

27 Sec. 7. (1) In order to be used under sections 2 to 22 of this act,
28 a personal vehicle shall be in compliance with the Motor Vehicle
29 Registration Act as required for a passenger car as defined in section
30 60-345.

31 (2) A transportation network company or a certified mechanic shall

1 perform an initial safety inspection on each personal vehicle prior to
2 approving it for use as a personal vehicle. The inspection shall include
3 inspection of at least the following components and such components shall
4 be in good working order:

- 5 (a) Foot brakes;
- 6 (b) Parking or emergency brakes;
- 7 (c) Steering mechanism;
- 8 (d) Windshield;
- 9 (e) Rear window and other glass;
- 10 (f) Windshield wipers;
- 11 (g) Headlights;
- 12 (h) Tail lights;
- 13 (i) Turn indicator lights;
- 14 (j) Stop lights;
- 15 (k) Front seat adjustment mechanism;
- 16 (l) The opening, closing, and locking capability of doors;
- 17 (m) Horn;
- 18 (n) Speedometer;
- 19 (o) Bumpers;
- 20 (p) Muffler and exhaust system;
- 21 (q) Tire conditions, including tread depth;
- 22 (r) Interior and exterior rear-view mirrors; and
- 23 (s) Safety belts for driver and passengers.

24 (3) Annually thereafter, a driver shall obtain such an inspection
25 and approval of the driver's personal vehicle in order to continue its
26 use as a personal vehicle. A driver shall maintain proof of the current
27 inspection.

28 (4) A transportation network company shall make the initial and
29 annual inspection reports available to the commission upon request.

30 Sec. 8. (1) The commission or the employees or duly authorized
31 agents of the commission may, in a mutually agreed-upon setting, inspect

1 any records held by a transportation network company which the commission
2 determines are necessary to review to ensure public safety, including
3 information obtained pursuant to section 5 of this act. Such inspection
4 of records shall occur no more than once each calendar quarter unless the
5 commission finds it necessary pursuant to rules and regulations adopted
6 and promulgated by the commission. Such inspection shall be conducted on
7 an audit basis rather than a comprehensive basis.

8 (2) In response to a specific complaint, the commission may inspect
9 any records held by a transportation network company which the commission
10 determines are necessary to investigate and resolve the complaint,
11 including information obtained pursuant to section 5 of this act.

12 (3) Any records obtained or inspected pursuant to this section shall
13 not be considered public records subject to sections 84-712 to 84-712.09
14 and shall not be subject to disclosure by the commission.

15 Sec. 9. A transportation network company shall not require a
16 participating driver to sign an agreement not to compete with the company
17 in order to be matched with passengers through the company's online-
18 enabled application or platform.

19 Sec. 10. The Transportation Network Company Regulation Cash Fund is
20 created. The commission shall use the fund to regulate transportation
21 network companies and enforce sections 2 to 22 of this act and the rules
22 and regulations adopted and promulgated by the commission under such
23 sections. The fund shall contain the fees remitted pursuant to section
24 75-305. Any money in the fund available for investment shall be invested
25 by the state investment officer pursuant to the Nebraska Capital
26 Expansion Act and the Nebraska State Funds Investment Act.

27 Sec. 11. A transportation network company shall disclose in writing
28 to participating drivers:

29 (1) The insurance coverage, the limits of liability, and any
30 deductible amounts that the transportation network company provides while
31 the driver uses a personal vehicle in connection with a transportation

1 network company's online-enabled application or platform;

2 (2) That in most personal automobile insurance policies, the
3 driver's policy does not provide coverage for damage to the vehicle used
4 by the driver, uninsured and underinsured motorist coverage, and other
5 first-party claims from the moment the driver logs on to the
6 transportation network company's online-enabled application or platform
7 to the moment the driver logs off the transportation network company's
8 online-enabled application or platform. The driver should contact his or
9 her insurer to determine coverage; and

10 (3) That if a vehicle that is operated in connection with a
11 transportation network company has a lien against it, the owner of the
12 vehicle must notify the lienholder that the vehicle will be used to
13 provide services in connection with a transportation network company and
14 may be in violation of the terms of the contract with the lienholder.

15 Sec. 12. (1) A transportation network company and a participating
16 driver shall maintain transportation network company insurance as
17 provided in this section. Unless otherwise specified, the following
18 requirements shall apply to transportation network company insurance
19 during the engaged stage and during the passengers on board stage:

20 (a) Primary liability coverage in the amount of at least five
21 hundred thousand dollars for death, personal injury, and property damage;
22 and

23 (b) Uninsured and underinsured motorist coverage for both the driver
24 and passengers in the amounts required by the Uninsured and Underinsured
25 Motorist Insurance Coverage Act.

26 (2) The requirements for the coverage required by this section may
27 be satisfied by any of the following:

28 (a) Transportation network company insurance maintained by a
29 participating driver;

30 (b) Transportation network company insurance maintained by a
31 transportation network company; or

1 (c) Any combination of subdivisions (2)(a) and (b) of this section.

2 (3) The insurer providing transportation network company insurance
3 under this section shall have the duty to defend and indemnify the
4 insured.

5 (4) An insurance policy required under sections 11 to 20 of this act
6 shall be placed with an authorized Nebraska insurer or with a surplus-
7 lines insurer pursuant to Chapter 44.

8 Sec. 13. (1) The following requirements shall apply to
9 transportation network company insurance during the application open
10 stage:

11 (a) Transportation network company insurance shall be primary and in
12 the amount of at least twenty-five thousand dollars for death and
13 personal injury per person, fifty thousand dollars for death and personal
14 injury per incident, and twenty-five thousand dollars for property
15 damage; and

16 (b) Uninsured motorist coverage pursuant to the Uninsured and
17 Underinsured Motorist Insurance Coverage Act.

18 (2) The requirements for the coverage required by this section may
19 be satisfied by any of the following:

20 (a) Transportation network company insurance maintained by a
21 participating driver;

22 (b) Transportation network company insurance maintained by a
23 transportation network company; or

24 (c) Any combination of subdivisions (2)(a) and (b) of this section.

25 (3) The insurer providing transportation network company insurance
26 under this section shall have the duty to defend and indemnify the
27 insured.

28 Sec. 14. (1) Coverage under a transportation network company
29 insurance policy shall not be dependent on a personal automobile
30 insurance policy first denying a claim nor shall a personal automobile
31 insurance policy, including a personal liability umbrella policy, be

1 required to first deny a claim.

2 (2) When transportation network company insurance maintained by a
3 participating driver to fulfill the insurance obligations of sections 11
4 to 20 of this act has lapsed or ceased to exist, the transportation
5 network company shall provide the coverage required by sections 11 to 20
6 of this act beginning with the first dollar of a claim.

7 (3) For transportation network company insurance maintained by a
8 transportation network company to meet the requirements of sections 11 to
9 20 of this act, a certificate of insurance shall be filed with the
10 commission specifying that on cancellation or nonrenewal of the
11 transportation network company insurance, the insurer must send written
12 notice of the cancellation or nonrenewal to the commission at least
13 thirty days before the effective date of the cancellation or nonrenewal.

14 Sec. 15. (1) Sections 2 to 22 of this act shall not limit the
15 liability of a transportation network company arising out of an
16 automobile accident involving a participating driver in any action for
17 damages against a transportation network company for an amount above the
18 required insurance coverage.

19 (2) In the event of a loss involving a personal vehicle used in
20 connection with a transportation network company, the transportation
21 network company shall require that its insurer conduct a record search to
22 determine if a lien exists against the personal vehicle operated by the
23 participating driver who is associated with the loss. If a lien exists
24 and if the transportation network company's insurer makes a payment for a
25 claim covered under collision physical damage coverage or comprehensive
26 physical damage coverage, the transportation network company shall cause
27 its insurer to issue the payment directly to the business repairing the
28 vehicle or jointly to the owner of the vehicle and the primary lienholder
29 on the covered vehicle.

30 Sec. 16. The owner of any personal vehicle used in connection with
31 a transportation network company shall have the duty to maintain

1 collision physical damage coverage and comprehensive physical damage
2 coverage if the vehicle is required to carry such coverage due to a
3 contractual obligation.

4 Sec. 17. Nothing in sections 2 to 22 of this act shall be construed
5 to require a private passenger automobile insurance policy to provide
6 primary or excess coverage during the period of time from the moment a
7 participating driver logs on to a transportation network company's
8 online-enabled application or platform until the driver logs off the
9 online-enabled application or platform or the passenger exits the
10 personal vehicle, whichever is later.

11 Sec. 18. Notwithstanding any other law, a personal automobile
12 insurer may, at its discretion, offer an automobile insurance policy, or
13 an amendment or endorsement to an existing policy, that covers a private
14 passenger motor vehicle, station wagon type vehicle, sport utility
15 vehicle, or similar type of motor vehicle with a passenger capacity of
16 eight persons or less, including the driver, while used in connection
17 with a transportation network company's online-enabled application or
18 platform only if the policy expressly provides for the coverage during
19 all or the defined portion of the time periods specified in sections 12
20 and 13 of this act, with or without a separate charge, or the policy
21 contains an amendment or an endorsement to provide that coverage, for
22 which a separately stated premium may be charged. The policy, amendment,
23 or endorsement may include, but not be limited to:

- 24 (1) Comprehensive physical damage coverage;
25 (2) Collision physical damage coverage;
26 (3) Liability coverage for bodily injury and property damage;
27 (4) Medical payments coverage; and
28 (5) Uninsured and underinsured motorist coverage.

29 Sec. 19. (1) In a claims coverage investigation, a transportation
30 network company or its insurer shall cooperate with insurers that are
31 involved in the claims coverage investigation to facilitate the exchange

1 of information, including the provision of dates and times at which an
2 accident occurred that involved a participating driver and the precise
3 times that the participating driver logged on and off the transportation
4 network company's online-enabled application or platform in the twenty-
5 four-hour period preceding the accident.

6 (2) All records, including electronic records, showing the time when
7 a driver has logged in as active or logged out as inactive on the
8 transportation network company's online-enabled application or platform,
9 and any data or reports with information about the personal vehicle's
10 involvement in a motor vehicle accident, that are maintained by the
11 transportation network company shall be maintained for a minimum of five
12 years after the date the loss is reported to the transportation network
13 company.

14 Sec. 20. A participating driver shall carry proof of transportation
15 network company insurance coverage with him or her at all times during
16 his or her use of a vehicle in connection with a transportation network
17 company's online-enabled application or platform. In the event of an
18 accident, a participating driver shall, upon request, provide this
19 insurance coverage information to any other party involved in the
20 accident and to a law enforcement officer.

21 Sec. 21. No transportation network company or participating driver
22 shall provide transportation for any person under contract with the
23 Department of Health and Human Services or any contractors of the
24 Department of Health and Human Services without specific authorization
25 from the commission. In order to receive such authorization, the
26 transportation network company or participating driver shall demonstrate
27 that such service is or will be required by the present or future public
28 convenience and necessity.

29 Sec. 22. The commission shall electronically provide the
30 Legislature with an annual report before December 31 of each year on the
31 status of the implementation of sections 2 to 21 of this act. The report

1 shall describe (1) the number of permits issued pursuant to section 3 of
2 this act, (2) a description of any revocation proceedings involving
3 permits issued under sections 2 to 21 of this act, (3) the number of
4 rides provided by taxicab carriers relative to historical numbers, (4)
5 the number of taxicabs operated by taxicab carriers relative to
6 historical numbers, (5) the number of drivers either employed or
7 contracted by taxicab carriers relative to historical numbers, (6) the
8 number of taxicab carriers authorized by the commission relative to
9 historical numbers, and (7) any other information in its possession that
10 the commission believes will assist the Legislature in evaluating the
11 effectiveness of sections 2 to 21 of this act. The report shall also
12 address the question of the need for further legislation to achieve the
13 purposes of sections 2 to 21 of this act.

14 Sec. 23. Section 75-302, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 75-302 For purposes of sections 75-301 to 75-322 and sections 2 to
17 22 of this act and in all rules and regulations adopted and promulgated
18 by the commission pursuant to such sections, unless the context otherwise
19 requires:

20 (1) Attended services means an attendant or caregiver accompanying a
21 minor or a person who has a physical, mental, or developmental disability
22 and is unable to travel or wait without assistance or supervision;

23 (2) Carrier enforcement division means the carrier enforcement
24 division of the Nebraska State Patrol or the Nebraska State Patrol;

25 (3) Certificate means a certificate of public convenience and
26 necessity issued under Chapter 75, article 3, to common carriers by motor
27 vehicle;

28 (4) Civil penalty means any monetary penalty assessed by the
29 commission or carrier enforcement division due to a violation of Chapter
30 75, article 3, or section 75-126 as such section applies to any person or
31 carrier specified in Chapter 75, article 3; any term, condition, or

1 limitation of any certificate or permit issued pursuant to Chapter 75,
2 article 3; or any rule, regulation, or order of the commission, the
3 Division of Motor Carrier Services, or the carrier enforcement division
4 issued pursuant to Chapter 75, article 3;

5 (5) Commission means the Public Service Commission;

6 (6) Common carrier means any person who or which undertakes to
7 transport passengers or household goods for the general public in
8 intrastate commerce by motor vehicle for hire, whether over regular or
9 irregular routes, upon the highways of this state;

10 (7) Contract carrier means any motor carrier which transports
11 passengers or household goods for hire other than as a common carrier
12 designed to meet the distinct needs of each individual customer or a
13 specifically designated class of customers without any limitation as to
14 the number of customers it can serve within the class;

15 (8) Division of Motor Carrier Services means the Division of Motor
16 Carrier Services of the Department of Motor Vehicles;

17 (9) Highway means the roads, highways, streets, and ways in this
18 state;

19 (10) Household goods means personal effects and property used or to
20 be used in a dwelling, when a part of the equipment or supply of such
21 dwelling, and similar property as the commission may provide by
22 regulation if the transportation of such effects or property, is:

23 (a) Arranged and paid for by the householder, including
24 transportation of property from a factory or store when the property is
25 purchased by the householder with the intent to use in his or her
26 dwelling; or

27 (b) Arranged and paid for by another party;

28 (11) Intrastate commerce means commerce between any place in this
29 state and any other place in this state and not in part through any other
30 state;

31 (12) Licensed care transportation services means transportation

1 provided by an entity licensed by the Department of Health and Human
2 Services as a residential child-caring agency as defined in section
3 71-1926 or child-placing agency as defined in section 71-1926 or a child
4 care facility licensed under the Child Care Licensing Act to a client of
5 the entity or facility when the person providing transportation services
6 also assists and supervises the passenger or, if the client is a minor,
7 to a family member of a minor when it is necessary for agency or facility
8 staff to accompany or facilitate the transportation in order to provide
9 necessary services and support to the minor. Licensed care transportation
10 services must be incidental to and in furtherance of the social services
11 provided by the entity or facility to the transported client;

12 (13) Motor carrier means any person other than a regulated motor
13 carrier who or which owns, controls, manages, operates, or causes to be
14 operated any motor vehicle used to transport passengers or property over
15 any public highway in this state;

16 (14) Motor vehicle means any vehicle, machine, tractor, trailer, or
17 semitrailer propelled or drawn by mechanical power and used upon the
18 highways in the transportation of passengers or property but does not
19 include any vehicle, locomotive, or car operated exclusively on a rail or
20 rails;

21 (15) Permit means a permit issued under Chapter 75, article 3, to
22 contract carriers by motor vehicle;

23 (16) Person means any individual, firm, partnership, limited
24 liability company, corporation, company, association, or joint-stock
25 association and includes any trustee, receiver, assignee, or personal
26 representative thereof;

27 (17) Private carrier means any motor carrier which owns, controls,
28 manages, operates, or causes to be operated a motor vehicle to transport
29 passengers or property to or from its facility, plant, or place of
30 business or to deliver to purchasers its products, supplies, or raw
31 materials (a) when such transportation is within the scope of and

1 furthers a primary business of the carrier other than transportation and
2 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply
3 to private carriers;

4 (18) Regulated motor carrier means any person who or which owns,
5 controls, manages, operates, or causes to be operated any motor vehicle
6 used to transport passengers, other than those excepted under section
7 75-303, or household goods over any public highway in this state;

8 (19) Residential care means care for a minor or a person who is
9 physically, mentally, or developmentally disabled who resides in a
10 residential home or facility regulated by the Department of Health and
11 Human Services, including, but not limited to, a foster home, treatment
12 facility, residential child-caring agency, or shelter;

13 (20) Residential care transportation services means transportation
14 services to persons in residential care when such residential care
15 transportation services and residential care are provided as part of a
16 services contract with the Department of Health and Human Services or
17 pursuant to a subcontract entered into incident to a services contract
18 with the department;~~and~~

19 (21) Supported transportation services means transportation services
20 to a minor or for a person who is physically, mentally, or
21 developmentally disabled when the person providing transportation
22 services also assists and supervises the passenger or transportation
23 services to a family member of a minor when it is necessary for provider
24 staff to accompany or facilitate the transportation in order to provide
25 necessary services and support to the minor. Supported transportation
26 services must be provided as part of a services contract with the
27 Department of Health and Human Services or pursuant to a subcontract
28 entered into incident to a services contract with the department, and the
29 driver must meet department requirements for (a) training or experience
30 working with minors or persons who are physically, mentally, or
31 developmentally disabled, (b) training with regard to the specific needs

1 of the client served, (c) reporting to the department, and (d) age.
2 Assisting and supervising the passenger shall not necessarily require the
3 person providing transportation services to stay with the passenger after
4 the transportation services have been provided; and -

5 (22) Transportation network company has the definition found in
6 section 3 of this act. A transportation network company shall not own,
7 control, operate, or manage drivers' personal vehicles.

8 Sec. 24. Section 75-304, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 75-304 (1) The commission may establish such just and reasonable
11 classifications of groups of carriers, included in the terms common
12 carrier and contract carrier, as the special nature of the services
13 performed by such carriers require and adopt and promulgate such just and
14 reasonable rules, regulations, and requirements, to be observed by the
15 carrier so classified or grouped, as the commission deems necessary or
16 desirable in the public interest and as are consistent with the
17 provisions of sections 75-301 to 75-322. All certificates and permits
18 issued by the commission shall be construed and interpreted, and the
19 operations authorized thereunder shall be tested and determined, in
20 accordance with such classification so established and any rule,
21 regulation, or requirement prescribed by the commission relating to such
22 carrier so classified.

23 (2) Contract carriers shall obtain and maintain uninsured and
24 underinsured insurance coverage for each passenger in each motor vehicle
25 in minimum amounts to be established by the commission.

26 (3) The commission shall adopt and promulgate rules and regulations
27 to carry out sections 2 to 22 of this act. The rules and regulations
28 found in chapter 3 of title 291 of the Nebraska Administrative Code shall
29 not apply to transportation network companies. If there is any conflict
30 between sections 75-301 to 75-322 and sections 2 to 22 of this act
31 regarding the regulation of transportation network companies, the

1 provisions of sections 2 to 22 of this act shall apply.

2 Sec. 25. Section 75-305, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 75-305 (1) Every regulated motor carrier subject to sections 75-301
5 to 75-322 other than transportation network companies shall pay an annual
6 fee not exceeding the sum of eighty dollars for each motor vehicle
7 operated, which fee shall be fixed by the commission and shall not exceed
8 the amount actually necessary to sustain the administration and
9 enforcement of such sections. When the applicant has registered his or
10 her motor vehicles under section 60-3,198, such fee shall be payable on
11 whichever shall be the lesser of (a 1) the proportion of his or her fleet
12 so registered or (b 2) the number of motor vehicles owned by him or her
13 and actually used in intrajurisdiction business within this state, except
14 that such annual fee for any truck-trailer or tractor-trailer combination
15 shall be one hundred twenty dollars. In the case of a truck-trailer or
16 tractor-trailer combination, only one license plate shall be required for
17 such combination.

18 (2) Every transportation network company shall pay an annual fee.
19 The company may choose to pay either twenty thousand dollars or not to
20 exceed eighty dollars for each personal vehicle operated by a driver of
21 the transportation network company. The commission shall establish the
22 amount per vehicle so that the amount collected does not exceed the
23 amount actually necessary to sustain the administration and enforcement
24 of laws, rules, and regulations governing transportation network
25 companies.

26 (3) Such annual fees shall be due and payable on or before January 1
27 and shall be delinquent on March 1 of each year after such permit or
28 certificate has been issued. If the initial certificate or permit is
29 issued to a motor carrier on or after July 1, the fee shall be fifty
30 percent of the annual fee. Such fees shall be paid to and collected by
31 the commission and remitted to the State Treasurer within thirty days of

1 receipt. The State Treasurer shall credit fees received pursuant to
2 subsection (2) of this section to the Transportation Network Company
3 Regulation Cash Fund for enforcement of laws, rules, and regulations
4 governing transportation network companies. The State Treasurer shall
5 credit fees received pursuant to subsection (1) of this section for
6 credit to the General Fund.

7 Sec. 26. Section 75-306, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 75-306 Receipt for the payment of annual fees shall be issued by the
10 commission. The commission shall issue sufficient license plates and
11 renewal tabs to any regulated motor carrier who is in compliance with
12 sections 75-301 to 75-322 and the rules and regulations of the
13 commission, except contract carriers operating pursuant to section
14 75-303.01 and transportation network companies, for the purpose of
15 identification of regulated motor carriers subject to ~~such~~ sections
16 75-301 to 75-322 and to distinguish those regulated motor carriers from
17 other commercial motor carriers not subject to such sections. The
18 Director of Motor Vehicles shall prepare a form of license plate and
19 renewal tab for such regulated motor carriers and furnish a sufficient
20 supply of them to the commission.

21 Sec. 27. Section 75-307, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 75-307 (1) Certificated intrastate motor carriers, including common
24 and contract carriers, shall comply with reasonable rules and regulations
25 prescribed by the commission governing the filing with the commission,
26 the approval of the filings, and the maintenance of proof at such
27 carrier's principal place of business of surety bonds, policies of
28 insurance, qualifications as a self-insurer, or other securities or
29 agreements, in such reasonable amount as required by the commission,
30 conditioned to pay, within the amount of such surety bonds, policies of
31 insurance, qualifications as a self-insurer, or other securities or

1 agreements, any final judgment recovered against such motor carrier for
2 bodily injuries to or the death of any person resulting from the
3 negligent operation, maintenance, or use of motor vehicles under such
4 certificate or permit or for loss or damage to property of others. No
5 certificate or permit shall be issued to a common or contract carrier or
6 remain in force unless such carrier complies with this section and the
7 rules and regulations prescribed by the commission pursuant to this
8 section.

9 (2) The commission may, in its discretion and under its rules and
10 regulations, require any certificated carrier to file a surety bond,
11 policies of insurance, qualifications as a self-insurer, or other
12 securities or agreements, in a sum to be determined by the commission, to
13 be conditioned upon such carrier making compensation to shippers or
14 consignees for all property belonging to shippers or consignees and
15 coming into the possession of such carrier in connection with its
16 transportation service. Any carrier which may be required by law to
17 compensate a shipper or consignee for any loss, damage, or default for
18 which a connecting motor common carrier is legally responsible shall be
19 subrogated to the rights of such shipper or consignee under any such
20 bond, policies of insurance, or other securities or agreements to the
21 extent of the sum so paid.

22 (3) In carrying out this section, the commission may classify motor
23 carriers and regulated motor carriers taking into consideration the
24 hazards of the operations of such carriers and the value of the household
25 goods carried. Nothing contained in this section shall be construed to
26 authorize the commission to compel motor carriers other than common
27 carriers of household goods to carry cargo insurance.

28 (4) This section does not apply to transportation network companies.

29 Sec. 28. Section 75-309, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 75-309 Except for operations pursuant to a contract authorized by

1 sections 75-303.01 and 75-303.02, it shall be unlawful for any common or
2 contract carrier by motor vehicle subject to the provisions of sections
3 75-101 to 75-155 and 75-301 to 75-322 to engage in any intrastate
4 operations on any public highway in Nebraska unless there is in force
5 with respect to such common carrier a certificate of public convenience
6 and necessity, ~~or a permit to such contract carrier, or a permit to a~~
7 transportation network company under section 3 of this act, issued by the
8 commission which authorizes such operations.

9 Sec. 29. Section 75-310, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 75-310 Except for applications to operate a transportation network
12 company, applications ~~Applications~~ for certificates or permits and
13 petitions for relief shall be made to the commission in writing and shall
14 be in such form and contain such information as the commission shall by
15 rule require. A summary of the authority or relief sought in an
16 application or petition shall be given to interested persons according to
17 the rules the commission shall adopt. After notice of an application or
18 petition has been given to interested persons as provided by the rules
19 for notice, the commission may process the application or petition
20 without a hearing by use of affidavits if the application or petition is
21 not opposed.

22 Sec. 30. Section 75-311, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 75-311 (1) A certificate shall be issued to any qualified applicant
25 authorizing the whole or any part of the operations covered by the
26 application if it is found after notice and hearing that (a) the
27 applicant is fit, willing, and able properly to perform the service
28 proposed and to conform to the provisions of sections 75-301 to 75-322
29 and the requirements, rules, and regulations of the commission under such
30 sections and (b) the proposed service, to the extent to be authorized by
31 the certificate, whether regular or irregular, passenger or household

1 goods, is or will be required by the present or future public convenience
2 and necessity. Otherwise the application shall be denied.

3 (2) A permit shall be issued to any qualified applicant therefor
4 authorizing in whole or in part the operations covered by the application
5 if it appears after notice and hearing from the application or from any
6 hearing held on the application that (a) the applicant is fit, willing,
7 and able properly to perform the service of a contract carrier by motor
8 vehicle and to conform to the provisions of such sections and the lawful
9 requirements, rules, and regulations of the commission under such
10 sections and (b) the proposed operation, to the extent authorized by the
11 permit, will be consistent with the public interest by providing services
12 designed to meet the distinct needs of each individual customer or a
13 specifically designated class of customers as defined in subdivision (7)
14 of section 75-302. Otherwise the application shall be denied.

15 (3) No person shall at the same time hold a certificate as a common
16 carrier and a permit as a contract carrier for transportation of
17 household goods by motor vehicles over the same route or within the same
18 territory unless the commission finds that it is consistent with the
19 public interest and with the policy declared in section 75-301.

20 (4) After the issuance of a certificate or permit, the commission
21 shall review the operations of all common or contract carriers who hold
22 authority from the commission to determine whether there are insufficient
23 operations in the transportation of household goods to justify the
24 commission's finding that such common or contract carrier has willfully
25 failed to perform transportation under sections 75-301 to 75-322 and
26 rules and regulations promulgated under such sections. If the commission
27 determines that there are insufficient operations, then the commission
28 shall commence proceedings under section 75-315 to revoke the certificate
29 or permit involved.

30 (5) This section shall not apply to transportation network companies
31 holding a permit under section 3 of this act or operations pursuant to a

1 contract authorized by sections 75-303.01 and 75-303.02.

2 Sec. 31. Section 75-313, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 75-313 (1) Except as provided in subsection (2) of this section,
5 each ~~Each~~ certificate shall specify the service to be rendered, the
6 routes, the fixed termini, if any, and the intermediate and off-route
7 points, if any, and in case of operations not over specified routes or
8 between fixed termini, the territory within which such carrier is
9 authorized to operate. Each permit shall specify the business of the
10 contract carrier covered thereby and the scope thereof. There shall, at
11 the time of issuance, and from time to time thereafter, be attached to
12 the exercise of the privileges granted by the certificate or permit such
13 reasonable terms, conditions, and limitations as the public convenience
14 and necessity, or the character of the holder as a contract carrier, may
15 from time to time require, including terms, conditions, and limitations
16 as to the extension of the route or routes of the carrier, and such terms
17 and conditions as are necessary to carry out, with respect to the
18 operations of the carrier, the requirements established by the
19 commission. No ; ~~Provided, that no~~ terms, conditions, or limitations
20 shall restrict the right of a contract carrier to substitute or add
21 contracts within the scope of the permit, or to add to the ~~his or its~~
22 equipment and facilities within the scope of the permit, as the
23 development of the business and the demands of the public may require.

24 (2) This section does not apply to a transportation network company.

25 Sec. 32. The Revisor of Statutes shall assign sections 2 to 22 of
26 this act to Chapter 75, article 3.

27 Sec. 33. Original sections 75-304, 75-305, 75-306, 75-307, 75-309,
28 75-310, and 75-313, Reissue Revised Statutes of Nebraska, and sections
29 75-109.01, 75-302, and 75-311, Revised Statutes Cumulative Supplement,
30 2014, are repealed.

31 Sec. 34. Since an emergency exists, this act takes effect when

1 passed and approved according to law.