

ENROLLED ACT NO. 84, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to motor vehicles; establishing requirements for transportation network companies, including driver requirements and disclosure requirements; providing exclusions for transportation network companies and drivers; specifying insurance requirements for transportation network companies and transportation network company drivers; authorizing related insurance policy exclusions; superseding local government regulations which conflict with this act; conforming provisions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 31-20-101 through 31-20-111 are created to read:

CHAPTER 20  
TRANSPORTATION NETWORK COMPANIES

**31-20-101. Definitions.**

(a) As used in this chapter:

(i) "Digital network" means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with a driver;

(ii) "Driver" means an individual operator of a transportation network company vehicle who:

(A) Receives connection to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

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(B) Uses a transportation network company vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation.

(iii) "Prearranged ride" means the provision of transportation by a driver to a rider:

(A) Beginning when a driver accepts a rider's request for a ride through a digital network controlled by a transportation network company;

(B) Continuing while the driver transports the requesting rider; and

(C) Ending when the rider exits the transportation network company vehicle.

(iv) "Rider" means a natural person who uses a transportation network company's digital network to connect with a driver who provides prearranged rides in a transportation network company vehicle between locations chosen by the natural person;

(v) "Transportation network company" means a corporation, partnership, sole proprietorship or other entity which operates pursuant to this chapter and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers

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that connect to its digital network, except where agreed to by written contract;

(vi) "Transportation network company vehicle" means a vehicle that is:

(A) Used by a driver to provide a prearranged ride; and

(B) Owned, leased or otherwise authorized for use by the driver.

**31-20-102. Agent.**

A transportation network company shall maintain a registered agent for service of process in Wyoming pursuant to W.S. 17-28-101.

**31-20-103. Fare collected for services.**

On behalf of a driver, a transportation network company may charge a fare for the services provided to riders, provided that if a fare is collected from a rider, the transportation network company shall disclose to the rider the fare or fare calculation method on its digital network. The transportation network company shall provide a rider with the applicable rate being charged for a prearranged ride and the option to receive an estimated fare before the rider enters the transportation network company vehicle.

**31-20-104. Identification of transportation network company vehicles and drivers.**

A transportation network company's digital network shall display a picture of the driver and the license plate

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number of the transportation network company vehicle used to provide the prearranged ride prior to a rider entering a transportation network company vehicle.

**31-20-105. Electronic receipt.**

Within four (4) hours following the completion of a prearranged ride, a transportation network company shall transmit an electronic receipt to the rider on behalf of the driver that provides a record of the origin and destination of the prearranged ride, the total time and distance of the prearranged ride and an itemization of the total fare paid, if any.

**31-20-106. Driver requirements.**

(a) Before a transportation network company may allow an individual to act as a driver, the transportation network company shall:

(i) Require the individual to submit to the transportation network company an application that includes all of the following:

(A) The individual's name, mailing address and age;

(B) A photocopy of the individual's driver's license;

(C) A photocopy of the registration for the transportation network company vehicle that the individual will use to provide prearranged rides;

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(D) Proof of financial responsibility for the transportation network company vehicle that the individual will use to provide prearranged rides;

(E) Any other information required by the transportation network company.

(ii) Conduct, or cause a third party to conduct, the following:

(A) A local and national criminal background check on the individual that shall include review of a multistate or multijurisdiction criminal records locator or other similar commercial nationwide database with primary source search validation;

(B) A search of the United States department of justice's national public sex offender website for the individual; and

(C) A search of the individual's driving history pursuant to W.S. 31-7-309(a).

**31-20-107. Financial responsibilities of transportation network companies and drivers.**

(a) A driver, or a transportation network company on the driver's behalf, shall maintain a motor vehicle liability policy that recognizes the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and covers the driver:

(i) While the driver is available to receive requests for prearranged rides; and

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(ii) While the driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements shall apply while a participating driver is available to receive requests for prearranged rides but is not engaged in a prearranged ride:

(i) Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) for death and bodily injury per person, one hundred thousand dollars (\$100,000.00) for death and bodily injury per incident and twenty-five thousand dollars (\$25,000.00) for property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(c) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) Primary automobile liability insurance that provides at least one million dollars (\$1,000,000.00) for death, bodily injury and property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(d) The requirements of subsections (b) and (c) of this section may be satisfied by a motor vehicle liability policy or bond maintained by the driver, the transportation network company or through a combination of the driver and the transportation network company.

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(e) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to deny a claim.

(f) If any insurance maintained by a driver pursuant to subsection (b) or (c) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and the transportation network company's insurer shall have the duty to defend such claim.

(g) The insurance requirements of this section may be satisfied by insurance placed with an insurer authorized as required under W.S. 26-3-101 or with an eligible surplus lines insurer as defined in W.S. 26-11-107 that has a credit rating of no less than "A-" from A.M. Best or similar rating from another rating agency recognized by the department of insurance.

(h) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement of a motor vehicle under the Motor Vehicle Safety-Responsibility Act.

(j) A driver shall carry digital or physical proof of coverage satisfying the requirements of subsections (b) and (c) of this section with the driver at all times while operating a transportation network company vehicle. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers upon

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request. Upon such request, a driver shall also disclose to directly interested parties, automobile insurers and investigating police officers whether the driver was available to receive a request for a prearranged ride or engaged in a prearranged ride at the time of the accident.

(k) In a claims coverage investigation, a transportation network company shall immediately provide upon request by directly involved parties or, if applicable, any insurer of the driver, the precise times that a driver was available to receive a request for a prearranged ride in the twelve (12) hour period immediately preceding and in the twelve (12) hour period immediately following the accident. Insurers providing coverage under this section shall disclose upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions and limits provided under any automobile insurance maintained in order to satisfy the requirements of this section.

**31-20-108. Automobile insurance provisions.**

(a) Insurers that write automobile insurance in Wyoming may exclude any and all coverage afforded under the policy issued to an owner or operator of a transportation network company vehicle for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver is engaged in a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including any of the following:

(i) Liability coverage for bodily injury and property damage;



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- (ii) Uninsured and underinsured motorist coverage;
- (iii) Medical payments coverage;
- (iv) Comprehensive coverage;
- (v) Collision coverage.

(b) Subsection (a) of this section shall apply notwithstanding any requirement under W.S. 31-9-405. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while a driver is available to receive a request for a prearranged ride, while the driver is engaged in a prearranged ride or while the driver otherwise uses a transportation network company vehicle to transport riders for compensation.

(c) Nothing in this section shall be construed as to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver provides a prearranged ride.

(d) Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the driver's transportation network company vehicle, if it chooses to do so by contract or endorsement.

(e) Automobile insurers that exclude the coverage described in W.S. 31-20-107 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this chapter shall be deemed to invalidate or limit an exclusion contained in a policy including any policy in use

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in Wyoming prior to the enactment of this chapter that excludes coverage for vehicles used to carry persons or property for a charge or which are available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of W.S. 31-20-107.

**31-20-109. Required disclosures.**

(a) A transportation network company shall disclose in writing to a driver before the driver is allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(i) Any insurance or bond coverage, including the types of coverage and the limits for each coverage, the transportation network company provides to the driver when the driver uses a transportation network company vehicle to provide services in connection with the transportation network company's digital network;

(ii) That the driver's own automobile insurance policy might not provide any coverage while the driver is available to receive a request for a prearranged ride or is engaged in a prearranged ride; and

(iii) That if the vehicle to be used to provide a prearranged ride has a lien against it, the driver has a duty to notify the lienholder that the driver will use the vehicle for transportation services that may violate the terms of a contract with the lienholder. The driver shall disclose to the lienholder all insurance coverage

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information provided to the driver by the transportation network company pursuant to this section and the driver shall maintain proof that notice has been sent to the lienholder.

**31-20-110. Transportation network company and driver exclusions.**

(a) A driver shall be an independent contractor, not subject to the Wyoming Worker's Compensation Act and not an employee of a transportation network company if:

(i) The transportation network company does not unilaterally prescribe the hours during which a driver must be available to receive requests for prearranged rides;

(ii) The transportation network company imposes no restrictions on the driver's ability to use digital networks of other transportation network companies to provide prearranged rides;

(iii) The transportation network company does not restrict a driver from engaging in commercial activities unrelated to providing prearranged rides; and

(iv) The transportation network company and driver agree in writing that the driver is an independent contractor with respect to the transportation network company.

(b) A transportation network company shall not be deemed to control, direct or manage the transportation network company vehicles or drivers that connect to its digital network, except when agreed to by written contact. Notwithstanding any other provision of law a transportation

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network company or a driver shall not be deemed a commercial vehicle operator, a common carrier, a contract carrier, a motor carrier or a motor club.

(c) A transportation network company vehicle is not a taxicab, limousine, for hire vehicle or any public transportation conveyance. A driver shall not be required to register the vehicle the driver uses to provide prearranged rides as a commercial vehicle or a public transportation business.

(d) A prearranged ride does not include transportation provided using taxicab, limousine, for hire vehicle or commercial vehicle pursuant to this title. A prearranged ride does not include a shared expense carpool, or any other type of arrangement or service in which the driver receives a fee that does not exceed the driver's costs associated with providing the ride.

(e) Nothing in this chapter limits the ability of a public airport or its governing body to enter into an operating agreement with a transportation network company providing access to that public airport. A public airport with more than ninety thousand (90,000) annual enplanements in the previous calendar year, as reported by the federal aviation administration, may require an operating agreement regarding entry, pick-up and drop-off with a transportation network company providing access to that public airport.

(f) Neither a transportation network company nor a driver shall include services performed:

(i) In the employ of a state, or any political subdivision of the state, or in the employ of an Indian tribe or any instrumentality of a state, any political

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subdivision of a state or any Indian tribe that is wholly owned by one (1) or more states or political subdivisions or Indian tribes, provided that the service is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 and 3306(c) (7);

(ii) In the employ of a religious, charitable, educational or other organization that is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 through 3311, solely by reason of 26 U.S.C. § 3306(c) (8).

**31-20-111. Controlling authority.**

Notwithstanding any other provision of law, transportation network companies and drivers in this state are governed exclusively by this chapter and any laws consistent with this chapter including W.S. 39-15-103(a)(i)(D) and 39-15-106(k). Except as provided by this section, no municipality or other local or state entity may impose a tax on, or require a license for a transportation network company or driver or a vehicle used by a driver where such tax or licenses relate to facilitating or providing prearranged rides or subject a municipality's or other state or local entity's rate, entry, operational or other requirements that are inconsistent with, are more restrictive than or exceed the requirements of this chapter.

**Section 2.** W.S. 31-4-103(a) and 31-7-309(a) by creating a new paragraph (iv) are amended to read:

**31-4-103. Failure to maintain liability coverage; penalties; exceptions.**

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(a) No owner of a motor vehicle currently required to be registered or which is required to be registered within a period of time, shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b), ~~or~~ a bond in amounts provided by W.S. 31-9-102(a)(xi) or, when applicable, in amounts as required by W.S. 31-20-107(b) and (c). Violation of this subsection is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or both. On a second or subsequent violation of this subsection, the person may be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00), imprisoned for not more than six (6) months, or both. In addition to the fine or imprisonment imposed for a second or subsequent violation of this subsection, the judge shall require the defendant to deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued, and the registration and license plates shall be held by the county treasurer until such time as the judge determines that the defendant has met all obligations imposed by law. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which shall include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued. This subsection does not apply to a

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vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. The department shall report any violation of this subsection to the motor vehicle administrator in the state wherein the vehicle is registered. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

**31-7-309. Driving record information to be furnished.**

(a) Notwithstanding any other provision of law, the department of transportation shall furnish full information regarding the driving record of any person:

(iv) To a transportation network company to evaluate a prospective transportation network company driver as required by W.S. 31-20-106 upon payment of the required fee.

ORIGINAL HOUSE  
BILL NO. HB0080

ENGROSSED

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**Section 3.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk