

HOUSE BILL No. 2614

By Representatives Holscher, Barker, Delperdang, Finney, Gartner, Henderson,
Kuether, Neighbor, Samsel, Winn and Woodard

2-11

1 AN ACT concerning transportation network companies; requiring
2 transportation network drivers to display official trade dress in vehicles;
3 amending K.S.A. 2019 Supp. 8-2702 and 8-2712 and repealing the
4 existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) A transportation network company shall issue
8 trade dress to drivers on the TNC's digital network and require drivers to
9 display such trade dress on personal vehicles at all times when a driver is
10 logged on to the TNC's digital network. Such trade dress shall be:

11 (1) Sufficiently large and color-contrasted to be readable during
12 daylight hours at a distance of 50 feet and reflective or illuminated to assist
13 with readability during nighttime hours; and

14 (2) displayed on the front windshield and passenger-side rear window
15 of the personal vehicle.

16 (b) Trade dress may be magnetic or removable and does not need to
17 be displayed whenever the driver is not logged on to a TNC digital
18 network.

19 (c) Instead of displaying trade dress on the front of the driver's
20 personal vehicle, a driver may display a lighting device in accordance with
21 K.S.A. 2019 Supp. 8-1762, and amendments thereto, if such a device is
22 allowed by the city where the pre-arranged ride occurs.

23 (d) This section shall be a part of and supplemental to the Kansas
24 transportation network company services act.

25 Sec. 2. K.S.A. 2019 Supp. 8-2702 is hereby amended to read as
26 follows: 8-2702. Except as otherwise provided, as used in the Kansas
27 transportation network company services act:

28 (a) "Act" means the Kansas transportation network company services
29 act.

30 (b) "Digital network" means any online-enabled application,
31 software, website or system offered or utilized by a transportation network
32 company that enables the prearrangement of rides with transportation
33 network company drivers.

34 (c) "Personal vehicle" means a vehicle that is used by a transportation
35 network company driver in connection with providing a prearranged ride

1 and is:

2 (1) Owned, leased or otherwise authorized for use by the
3 transportation network company driver; and

4 (2) not a taxicab, limousine or for-hire vehicle.

5 (d) "Prearranged ride" means the provision of transportation by a
6 driver to a rider, beginning when a driver accepts a ride requested by a
7 rider through a digital network controlled by a transportation network
8 company, continuing while the driver transports a requesting rider, and
9 ending when the last requesting rider departs from the personal vehicle. A
10 "prearranged ride" does not include transportation provided using a taxi,
11 limousine or other for-hire vehicle.

12 (e) *"Trade dress" means consistent and distinctive signage or*
13 *emblems established by and associated with a transportation network*
14 *company that is attached to a personal vehicle to reasonably assist riders*
15 *in identifying a TNC driver.*

16 (e) "Transportation network company" or "TNC" means a
17 corporation, partnership, sole proprietorship or other entity operating in
18 Kansas that uses a digital network to connect transportation network
19 company riders to transportation network company drivers who provide
20 prearranged rides. A transportation network company shall not be deemed
21 to control, direct or manage the personal vehicles or transportation
22 network company drivers that connect to its digital network, except where
23 agreed to by written contract.

24 (f) "Transportation network company driver" or "driver" means an
25 individual who:

26 (1) Receives connections to potential passengers and related services
27 from a transportation network company in exchange for payment of a fee
28 to the transportation network company; and

29 (2) uses a personal vehicle to provide services for riders matched
30 through a digital network controlled by a transportation network company
31 and receives, in exchange for providing the passenger a ride, compensation
32 that exceeds the individual's cost to provide the ride.

33 (g) "Transportation network company rider" or "rider" means an
34 individual or persons who use a transportation network company's digital
35 network to connect with a transportation network driver who provides
36 prearranged rides to the rider in the driver's personal vehicle between
37 points chosen by the rider.

38 (h) "Vehicle owner" means the owner of a personal vehicle.

39 Sec. 3. K.S.A. 2019 Supp. 8-2712 is hereby amended to read as
40 follows: 8-2712. Prior to permitting an individual to act as a driver on its
41 digital network, the TNC shall:

42 (a) Require the individual to submit an application to the TNC, ~~which~~
43 *that* includes information regarding the applicant's address, age, driver's

1 license, driving history, motor vehicle registration, automobile liability
2 insurance and other information required by the TNC;~~and~~

3 (b) obtain and review a driving history research report for such
4 individual; *and*

5 (c) *issue the driver trade dress in accordance with section 1, and*
6 *amendments thereto.*

7 Sec. 4. K.S.A. 2019 Supp. 8-2702 and 8-2712 are hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after its
9 publication in the statute book.