

Section by Section Summary of House Proposals of Amendment to Senate Passed H.143

Prepared by Legislative Council – May 1, 2018

H.143 House Further Proposals of Amendment
Added a statement of legislative intent. This act is a step toward uniform regulation of all vehicle for hire companies and vehicle for hire drivers.
Definitions – same except <ul style="list-style-type: none">Amended definition of “prearranged ride,” to clarify the ride ends when the last rider exists the vehicle, not the last “requesting” rider
Insurance Requirements – same except <ul style="list-style-type: none">Removed the \$10k Med Pay coverage requirement applicable to prearranged ridesRequires drivers to provide proof of insurance in the event of a “traffic violation,” not just in the event of an accidentReplaces the monetary penalties for failure to maintain or carry proof of insurance with cross-references to existing penalties applicable to personal auto policies. This will not change the amount of the penalties. It will, however, allow the penalties to be consistent going forward.
Driver Requirements; Background Checks – same except <ul style="list-style-type: none">Does not require a company to obtain a VT criminal record from the VT Crime Information Center (VCIC)Does not require third-party background checkers to be accredited by the “National Association of Professional Background Screeners” specifically, but still requires them to be accreditedReplaces national sex offender “registry” and state sex offender “registry” with national sex offender “website” and state sex offender “website”Adds a requirement that the company confirm the driver is at least 18 years of age and, if the driver is only 18, he or she has at least one year of driving experience or has been issued a commercial driver licenseAdds a requirement that the company confirm the driver has proof of registration, auto liability insurance, and proof of inspection (if required in the state where the vehicle is registered)Adds a “safe harbor” provision for current drivers (as of the effective date of this act). The background check is deemed to have been completed if it is done within 30 days of the effective date, or if a check was done in the past year, consistent with the requirements of this act
7-year look back – same except <ul style="list-style-type: none">Removed sexual exploitation of a child and makes such offense grounds for a

<p>permanent ban</p> <ul style="list-style-type: none"> • Replaces the itemized list of drug violations with the more comprehensive and general “felony level violation of 18 V.S.A. chapter 84 for selling, dispensing, or trafficking a regulated drug” • Added civil suspensions for operating a vehicle while under the influence of alcohol or drugs
<p>3-year look back – same</p>
<p>Permanent ban</p> <ul style="list-style-type: none"> • Replaced “is or has been required to register as a sex offender in any jurisdiction” with “is listed on” the national or state sex offender websites • Added “has been convicted of homicide, manslaughter, kidnapping, or an offence involving sexual exploitation of children”
<p>Record Inspections – same except</p> <ul style="list-style-type: none"> • Replaced “at all reasonable times” with “not more frequently than once per year” • May inspect driver records, not company records • Permits visual inspection of a random sample of up to 25 drivers’ records per company • Specifies the records must pertain to drivers operating in VT • Requires records to be available for inspection during reasonable business hours and in a manner approved by the Commissioner of DMV • Commissioner has authority to inspect additional records if he or she has a reasonable basis to believe a company is not in compliance with the chapter • Requires a company to cooperate in investigations if the Commissioner receives notice of a complaint • Makes records exempt from disclosure under the Public Records Act
<p>Administrative Enforcement – Essentially same</p>
<p>Preemption and Savings Clause – same except</p> <ul style="list-style-type: none"> • Clarifies the preemption applies to all inconsistent municipal regulations, not just ordinances adopted after the effective date of the act • Sunset the savings clause applicable to Burlington in 2020, rather than in 2022
<p>Strikes the DFR report on minimum automobile insurance requirements in the northeastern region of the U.S.</p>
<p>Study of Statewide Regulation of All Vehicles for Hire – same except</p> <ul style="list-style-type: none"> • Makes DFR, not DMV, the lead • Requires other state entities to participate, if needed • Requires input from VLCT and industry and consumer stakeholders, including TNCs and non-TNCs

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| <ul style="list-style-type: none">• Study should assess impact on municipal regulations• Specific consideration of regulatory models in rural and urban VT municipalities• Regarding insurance, should consider other commercial auto policy requirements, enhanced personal liability coverage for drivers, and the costs and benefits of requiring Med Pay coverage• Progress report due by 12/15, final report due 1/15/19. |
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| Added DFR Study of TNC insurance requirements, with specific consideration of insurance requirements in the “gap period.” Companies must submit relevant claims data elements, which is confidential. Report due 1/15/2019. |
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