

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 143
3 entitled “An act relating to automobile insurance requirements and
4 transportation network companies” respectfully reports that it has considered
5 the same and recommends that the Senate propose to the House that the bill be
6 amended as recommended by the Committee on Judiciary with the following
7 amendments thereto:

8 First: In Sec. 1, 23 V.S.A. § 750(b)(2)(A), by striking out subdivision (i) in
9 its entirety and inserting in lieu thereof a new subdivision (i) to read as
10 follows:

11 (i) primary automobile liability insurance in the amount of at least
12 \$50,000.00 for death and bodily injury per person, \$100,000.00 for death and
13 bodily injury per incident, and \$25,000.00 for property damage; and

14 Second: In Sec. 1, 23 V.S.A. § 750(b) (company’s financial responsibility),
15 by adding subdivision (9) to read as follows:

16 (9) A person who fails to maintain primary automobile insurance as
17 required in subdivisions (2) and (3) of this subsection (b) shall be assessed a
18 civil penalty of not more than \$500.00, and such violation shall be a traffic
19 violation within the meaning of chapter 24 of this title. A person who fails to
20 carry proof of insurance as required under subdivision (8) of this subsection (b)
21 shall be subject to a fine of not more than \$100.00. Notwithstanding any

1 provision of law to the contrary, a person who operates a vehicle without
2 financial responsibility as required by this subsection (b) is subject to
3 administrative action as set forth in chapter 11 of this title.

4 Third: In Sec. 1, by striking out section 751 (company license) in its
5 entirety

6 Fourth: In Sec. 1, by striking out section 754 (enforcement) in its entirety
7 and by inserting in lieu thereof a new section 754 to read as follows:

8 § 754. ENFORCEMENT; ADMINISTRATIVE PENALTIES

9 (a) The Commissioner of Motor Vehicles may impose an administrative
10 penalty if a company violates a provision of this chapter.

11 (b) A violation may be subject to an administrative penalty of not more
12 than \$500.00. Each violation is a separate and distinct offense and, in the case
13 of a continuing violation, each day's continuance may be deemed a separate
14 and distinct offense.

15 (c) The company shall be given notice and opportunity for a hearing for
16 alleged violations under this section. Service of the notice shall be sufficient if
17 sent by first class mail to the applicable address on file with the Secretary of
18 State. The notice shall include the following:

19 (1) a factual description of the alleged violation;

20 (2) a reference to the particular statute allegedly violated;

21 (3) the amount of the proposed administrative penalty; and

1 (4) a warning that the company will be deemed to have waived its right
2 to a hearing and that the penalty will be imposed if no hearing is requested
3 within 15 days from the date of the notice.

4 (d) A company that receives notice under subsection (c) of this section
5 shall be deemed to have waived the right to a hearing unless, within 15 days
6 from the date of the notice, the company requests a hearing in writing. If the
7 company waives the right to a hearing, the Commissioner shall issue a final
8 order finding the company in default and imposing the penalty.

9 (e) The provisions of sections 105, 106, and 107 of this title shall apply to
10 hearings conducted under this section.

11 (f) The Commissioner may collect an unpaid administrative penalty by
12 filing a civil action in Superior Court or through any other means available to
13 State agencies.

14 (g) The remedies authorized by this section shall be in addition to any other
15 civil or criminal remedies provided by law for violation of this chapter.

16 Fifth: By adding Sec. 3 to read as follows:

17 Sec. 3. STUDY; STATEWIDE REGULATION OF VEHICLES FOR HIRE

18 (a) The Commissioner of Motor Vehicles, in consultation with the Director
19 of the Office of Professional Regulation, shall conduct a study of whether and
20 to what extent vehicles for hire, vehicle for hire drivers, and vehicle for hire

1 companies should be regulated by the State. Among other things, the

2 Commissioner shall consider:

3 (1) issues related to public safety, necessity, and convenience;

4 (2) regulatory models adopted in other states, as well as in Vermont
5 municipalities, applicable to transportation network companies and other
6 vehicle for hire companies;

7 (3) matters related to passenger safety, including driver background
8 checks, periodic vehicle safety inspections, and signage;

9 (4) matters related to insurance coverage, including minimum liability
10 coverage, disclosure requirements, and claims procedures;

11 (5) matters related to fares, including the provision of fare estimates to
12 riders, restrictions on “surge pricing,” and payment methods;

13 (6) matters such as the licensing or permitting of companies and drivers;
14 nondiscrimination street hails; the protection of driver and rider information;
15 taxes or fees; the employment status of drivers; increased access for people
16 with disabilities;

17 (7) the extent to which all vehicles for hire, vehicle for hire drivers, and
18 vehicle for hire companies should be treated similarly with respect to statewide
19 regulation; and

20 (8) any other matter deemed relevant by the Commissioner and the
21 Director.

1 (b) For purposes of this section, a “vehicle for hire” is a passenger vehicle
2 transporting passengers for compensation of any kind. Vehicles for hire
3 include taxicabs, transportation network company vehicles, limousines, jitneys,
4 car services, contract vehicles, shuttle vans, and other such vehicles
5 transporting passengers for compensation of any kind except:

6 (1) Those which an employer uses to transport employees.

7 (2) Those which are used primarily to transport elderly, special needs
8 and handicapped persons for whom special transportation programs are
9 designed and funded by State, federal, or local authority otherwise exempted
10 pursuant to 23 V.S.A. § 4(15).

11 (3) Buses, trolleys, trains, or similar mass transit vehicles.

12 (4) Courtesy vehicles for which the passenger pays no direct charge,
13 such as hotel or car dealer shuttle vans.

14 (c) On or before December 15, 2017, the Commissioner shall report his or
15 her findings and recommendations to the Senate Committees on
16 Transportation, on Judiciary, and on Finance and the House Committees on
17 Transportation, on Judiciary, and on Commerce and Economic Development.

18 and by renumbering the remaining section to be numerically correct.

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1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE