Suspend the Rules and Pass the Bill, HR. 4686, with An Amendment
(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
2D SESSION

H. R. 4686

To amend title 23, United States Code, to compel States to require illuminated signs and other measures on ride-hailing vehicles, to prohibit the sale of such signs, to require ride-hailing companies to implement an electronic access system on ride-hailing vehicles.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2019

Mr. Smith of New Jersey (for himself and Mr. Suozzi) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend title 23, United States Code, to compel States to require illuminated signs and other measures on ride-hailing vehicles, to prohibit the sale of such signs, to require ride-hailing companies to implement an electronic access system on ride-hailing vehicles.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as “Sami’s Law”.

SEC. 2. MINIMUM REQUIREMENTS FOR RIDE-HAILING VEHICLES AND RIDE-HAILING COMPANIES.

(a) REQUIREMENTS FOR TNC PLATFORMS.—Not later than 90 days after the date of enactment of this Act, each transportation network company shall establish and implement a system and policy within the transportation network company’s TNC platform that shall make available to each passenger a digital method to verify that the driver with whom the passenger has been matched through the transportation network company’s TNC platform has been authorized by the transportation network company to accept the passenger’s trip request prior to the beginning of the trip. Such system shall include—

(1)(A) an initial notification sent to the passenger’s personal mobile device, or otherwise communicated to the passenger, containing verifiable information specific to the TNC driver or TNC vehicle with which the passenger has been matched;

(B) the ability for the passenger, driver, and TNC platform to confirm the verifiable information matching the passenger to the authorized TNC driver or TNC vehicle prior to the beginning of the trip;

(C) a TNC platform restriction on a TNC driver from commencing a trip via the TNC platform
until both the passenger and the TNC driver verify
the other’s identity using the system; and

(D) a way for a passenger to use a non-visual
arrangement to verify the TNC driver under the sys-
tem used in accordance with this subparagraph; or

(2) as an alternative to implementing the sys-
tem required under paragraph (1), a transportation
network company may implement any successor
technology-based system that enables verification
that the driver with whom the passenger has been
matched through the transportation network com-
pany’s TNC platform has been authorized by the
transportation network company to accept the pas-
enger’s trip requests received through its digital
network prior to the beginning of the trip.

(b) OPT OUT.—A transportation network company
may offer a passenger an option not to use the system
that the transportation network company has implemented
under subsection (a). Any trip completed by a passenger
who opts not to use the system shall not be a violation
of this section.

(c) EXEMPTIONS.—This section shall not apply to
any trips in which—

(1) a third party, including any third-party
business, non-profit, or government entity, facilitates
the trip for the individual who is transported in the TNC vehicle; or

(2) compliance with subsection (a) is impracticable due to circumstances beyond a transportation network company’s control, including instances where a passenger’s personal mobile device has failed to operate or there is degraded, reduced, or otherwise insufficient cellular connectivity in order for the system to properly operate.

SEC. 3. SUCCESSOR TECHNOLOGY PERFORMANCE STANDARDS.

(1) PERFORMANCE STANDARDS.—Not later than 180 days after the establishment of the “SAMI’s Law Council” pursuant to section 4, such Council shall recommend to the Secretary of Transportation performance standards for the successor technology-based systems permitted under section 2(a)(2) and the Secretary shall thereafter issue performance standards consistent with the Council’s recommendations and provide a reasonable time for a TNC to comply. Such standards shall require, at a minimum, that—

(A) any successor technology-based system that enables the verification that the driver with whom the passenger has been matched through
the TNC platform has been authorized by the transportation network company to accept the passenger’s trip request received through its TNC platform prior to the beginning of the trip;

(B) confirmation protocols are visually and non-visually accessible; and

(C) a transportation network company implement a system incorporating a driver education and public awareness program related to the use of its successor technology and its required verifiable information.

(2) UPDATING PERFORMANCE STANDARDS.—Six months after the establishment of the performance standards required by this section, and, at a minimum, annually thereafter, the Secretary shall solicit input from the SAMI’s Law Council, established under section 4, about whether the performance standards need to be updated or expanded to incorporate new technological developments. The Secretary may amend the performance standards to account for new technological developments.

(3) INTERIM STANDARDS.—Prior to the adoption of performance standards, a transportation network company may adopt and deploy any other suc-
cessor technology-based system that enables a passenger to verify that the driver with whom the passenger has been matched through the transportation network company’s platform has been authorized by the transportation network company to accept the passenger’s trip requests received through its platform prior to the beginning of the trip. A successor technology-based system deployed under this subparagraph shall be considered to fulfill the requirements of section 2(a). A successor technology-based system adopted under this section shall be presumed to meet such standards unless the Secretary determines otherwise. If the Secretary makes such a determination, a reasonable time to cure shall be provided.

(4) REPORTS.—Upon first issuing performance standards under paragraph (1), and each year thereafter, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate detailing the performance standards recommended by the SAMI’s Law Council, established under section 4, and issued by the Secretary under paragraph (1), including any up-
dates to such standards and explaining the rational for issuing such performance standards.

SEC. 4. SAFETY ACTIONS FOR MATCHING AND IDENTIFYING RIDE SHARE CUSTOMERS ADVISORY COUNCIL.

(a) Establishment.—Subject to the availability of appropriations, not later than 60 days after the date of enactment of this Act, the Secretary shall establish the Safety Actions for Matching and Identifying Ride Share Customers’ Council (hereinafter referred to as the “SAMI’s Law Council”), an advisory council for the purpose of developing recommended performance standards for successor technology that will protect TNC passengers and TNC drivers, as permitted under sections 2(a)(2) and authorized under section 3.

(b) Composition of the Advisory Council.—The advisory council shall be composed of the following members:

(1) The Secretary of Transportation shall designate a representative from paragraph (2), who shall serve as Council Chair.

(2) One representative, to be appointed by the Secretary of Transportation, from each of the following:

(B) The Federal Highway Administration.

(C) The National Institute of Standards and Technology.

(D) The Federal Trade Commission.

(E) The Federal Aviation Administration.

(F) An association or trade group that represents technology companies, whose membership includes at least one transportation network company.

(G) An organization of and for TNC drivers and present in at least two States.

(3) Two representatives, to be appointed by the Secretary of Transportation, from each of the following:

(A) Transportation network companies.

(B) Law enforcement agencies.

(C) National organizations of and for people with disabilities.

(D) Ride-hailing victims advocacy groups.

(c) TERMS.—Members of the Council shall serve for a term of 3 consecutive years.

(d) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner
as the original appointment for the position being vacated.

The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(e) DUTIES.—The Council shall gather and analyze data, provide technical advice, and develop and present best practices or recommendations supported by the majority of members of the Council to the Secretary of Transportation regarding performance standards the Secretary may adopt regarding any successor technology-based system described in section 2(a)(2).

(f) TECHNICAL ASSISTANCE.—On request of the Council, the Secretary shall provide such technical assistance to the Council as the Secretary determines to be necessary to carry out the Council’s duties.

(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Council, the Secretary may detail, with or without reimbursement, any employee of the Department of Transportation to the Council to assist the Council in carrying out its duties. The detail of any such employee shall not interrupt or otherwise affect the civil service status or privileges of the employee.

(h) PAYMENT AND EXPENSES.—Members of the Council shall serve without pay, except travel and per diem will be paid to each member for meetings called by the Secretary.
(i) REVIEW.—Twelve years after the date of enactment of this Act, the Secretary shall review, and solicit public input, as to whether it is necessary for the Council to remain in existence. The Secretary shall thereafter have the authority to terminate the Council if the Secretary determines that the Council is no longer necessary. If the Secretary terminates the Council, the Secretary shall maintain the authority to update performance standards related to successor technology.

SEC. 5. PROHIBITION ON SALE OF RIDE-HAILING SIGNAGE.

It shall be unlawful for any person to sell or offer for sale any signage that is designed to help a passenger identify a transportation network company vehicle and—

(1) contains a transportation network company’s proprietary trademark or logo, or

(2) purports to be that of a transportation network company,

unless such person is the transportation network company associated with such proprietary trademark or logo or authorized by the transportation network company to sell or offer for sale such signage.

SEC. 6. ENFORCEMENT.

(a) VIOLATIONS OF SECTION 2.—The Secretary is authorized to issue a penalty to a transportation network company of up to $5,000 per each day of non-compliance
with section 2 and a penalty of up to $20,000 per each
day of non-compliance with section 2 when such non-com-
pliance is knowing and willful. With regards to a violation
relating to any successor technology-based system used by
a transportation network company permitted under sec-
tion 2(1)(5), the Secretary shall rely on whether such sys-
tem meets the performance standards issued under section
3.

(b) VIOLATIONS OF SECTION 5.—

(1) IN GENERAL.—A violation of section 5 shall
be treated as a violation of a rule defining an unfair
or deceptive act or practice prescribed under section
18(a)(1)(B) of the Federal Trade Commission Act
(15 U.S.C. 57a(a)(1)(B)). The Federal Trade Com-
misson shall enforce this Act in the same manner,
by the same means, and with the same jurisdiction,
powers, and duties as though all applicable terms
and provisions of the Federal Trade Commission Act
(15 U.S.C. 41 et seq.) were incorporated into and
made a part of this Act. Any person who violates
section 5 shall be subject to the penalties and enti-
tled to the privileges and immunities provided in the
seq.).
(2) SAVINGS CLAUSE.—Nothing in this Act shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

SEC. 7. G.A.O. STUDY ON THE INCIDENCE OF ASSAULT AND ABUSE OF PASSENGERS AND DRIVERS OF TNC VEHICLES, TAXICABS, AND OTHER FOR-HIRE VEHICLES.

The Comptroller General of the United States shall conduct a study on the incidence of assault and abuse perpetrated on drivers by passengers of TNC vehicles, taxicabs, and other for-hire vehicles, and on such passengers by drivers of TNC vehicles, taxicabs, and other for-hire vehicles. The Comptroller General shall submit a report to Congress not later than one year after the date of enactment of this Act. The report shall also examine—

(1) the nature and specifics of any background checks conducted on prospective drivers of TNC vehicles, taxicabs, and other for-hire vehicles, including any State and local laws which may require such background checks;

(2) incidences where individuals who are not TNC drivers, taxicab drivers, or other for-hire vehicle drivers try to pose as TNC drivers, taxicab drivers, or other for-hire vehicle drivers;
(3) incidences of passengers entering the wrong vehicle, whether or not the vehicle was a TNC vehicle, taxicab, and other for-hire vehicle; and

(4) efforts by transportation network companies, taxicab companies, or for-hire vehicle companies to implement additional safety measures and practices and of State and local governments requiring such measures, and the efficacy of those efforts, practices, and requirements.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) the terms “non-visual” and “non-visually accessible”, with regards to the system required under sections 2(a)(1)(D) and 3(1)(B) mean digital content that—

(A) meets the success criteria of the Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, and any successor to or revision of such guidelines that has been incorporated into the Section 508 standards issued by the United States Access Board, including, to the extent applicable, the Web Accessibility Initiative - Accessible Rich Internet Applications (WAI–ARIA); or
(B) allows a blind or visually impaired passenger to access the same information, and utilize the same system offered to other passengers as required under Sections 2(a)(1)(D) and 3(1)(B) in a way that provides a comparable level of privacy, independence and substantially equivalent ease of use to the passenger;

(2) the term “passenger” means an individual who is matched with a TNC driver by using a TNC platform;

(3) the term “personal mobile device” means any mobile device that an individual uses to connect to a TNC platform;

(4) The term “Secretary” means the Secretary of Transportation;

(5) the term “TNC driver” means an individual who contracts with a transportation network company and provides transportation services to passengers;

(6) the term “TNC platform” means an online-enabled application or digital network made available by a transportation network company to connect riders to TNC drivers for the purpose of providing pre-arranged transportation services;
(7) the term “TNC vehicle” means a vehicle owned, leased, or otherwise authorized for use by TNC driver that the TNC driver uses to provide pre-arranged transportation services, also known as a ride-hailing vehicle; and

(8) the term “transportation network company”—

(A) means a corporation, partnership, sole proprietorship, or other entity, that makes available an online-enabled application or digital network to connect passengers to TNC drivers in order for the driver to transport the passenger using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the passenger; and

(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver; and

(9) the term “verifiable information” means data shared between a TNC platform, TNC driver, and passenger that includes a personal authentication number confirmation system, a license plate confirmation system, or a successor technology system.

Amend the title so as to read: “A bill to require ride-hailing companies to implement an enhanced digital
system to verify passengers with their authorized ride-hailing vehicles and drivers.”.