

**AMENDMENT**

**OFFERED BY MR. FONG OF CALIFORNIA**

At the end of subtitle C of title I of the bill, add the following:

1 **SEC. 1 \_\_\_\_ . NETWORK COMPANIES.**

2 (a) IN GENERAL.—Subchapter I of chapter 301 of  
3 title 49, United States Code, is amended by adding at the  
4 end the following:

5 **“§ 30107. Vicarious liability for network companies**

6 “(a) EXPRESS PREEMPTION OF STATE LAW.—A net-  
7 work company (or parent, subsidiary, or affiliate of the  
8 network company) shall not be liable under the law of any  
9 State or political subdivision thereof, by reason of owning,  
10 operating, or maintaining a digital network accessed by  
11 an app-based driver, by reason of being the network com-  
12 pany affiliated with an app-based driver (or the parent,  
13 subsidiary, or affiliate of the network company), or by rea-  
14 son of common carrier, non-delegable, or similar duties,  
15 for harm to persons or property that results or arises out  
16 of the use, operation, or possession of a motor vehicle by  
17 an app-based driver, as long as—

18 “(1) the network company is not grossly neg-  
19 ligent under the State or local laws governing the

1 network company with respect to the app-based driv-  
2 er; and

3 “(2) the network company did not commit  
4 criminal wrongdoing.

5 “(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing  
6 in this section supersedes the law of any State or political  
7 subdivision thereof—

8 “(1) imposing financial responsibility or insur-  
9 ance standards on a network company or app-based  
10 driver; or

11 “(2) imposing liability on network companies  
12 for failure to meet financial responsibility require-  
13 ments imposed under State law, provided, however,  
14 that such liability shall not include liability for harm  
15 to persons or property that results or arises out of  
16 the use, operation, or possession of a motor vehicle  
17 by an app-based driver.

18 “(c) APPLICABILITY AND EFFECTIVE DATE.—Not-  
19 withstanding any other provision of law, this section shall  
20 apply with respect to any action commenced on or after  
21 the date of enactment of this section without regard to  
22 whether the harm that is the subject of the action, or the  
23 conduct that caused the harm, occurred before such date  
24 of enactment.

1       “(d) RULE OF CONSTRUCTION.—This section shall  
2 apply irrespective of whether the app-based driver is oper-  
3 ating as an independent contractor, or as an employee of  
4 the network company or an entity other than the network  
5 company. Nothing in this section may be used as evidence  
6 establishing an employment relationship between an app-  
7 based driver and network company. Nothing in this sec-  
8 tion shall be construed to relieve a network company from  
9 compliance with applicable State or local laws relating to  
10 background checks or driver qualifications.

11       “(e) DEFINITIONS.—In this section:

12               “(1) APP-BASED DRIVER.—The term ‘app-based  
13 driver’ means an individual who, while using or oper-  
14 ating a personal, commercial, or for-hire vehicle, or  
15 any other form of transportation, utilizes a network  
16 company’s digital network to connect with customers  
17 to perform prearranged transportation services or  
18 on-demand delivery services.

19               “(2) DIGITAL NETWORK.—The term ‘digital  
20 network’ means an online-enabled application or  
21 platform operated by a network company or for-hire  
22 base station that enables app-based drivers to per-  
23 form prearranged transportation or on-demand de-  
24 livery services, or allows communication between a

1 passenger and a for-hire base or high-volume for-  
2 hire service.

3 “(3) NETWORK COMPANY.—The term ‘network  
4 company’ means a business entity that operates an  
5 online-enabled application or platform to connect  
6 customers with app-based drivers or for-hire vehicles  
7 for prearranged transportation, on-demand delivery,  
8 or other facilitated services from app-based drivers.

9 “(4) PERSON.—The term ‘person’ means any  
10 individual, corporation, company, limited liability  
11 company, trust, association, firm, partnership, soci-  
12 ety, joint stock company, or any other entity.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 301 of title 49, United States Code, is amended by  
15 inserting after the item relating to section 30106 the fol-  
16 lowing:

“30107. Vicarious liability for network companies.”.

