

1.1 ..... moves to amend H.F. No. 2369, the first engrossment, as follows:

1.2 Page 1, line 10, delete "driver" and insert "driver's account"

1.3 Page 1, line 13, before "status" insert "account"

1.4 Page 2, line 2, before the period, insert "for prearranged rides originating in this state"

1.5 Page 2, delete lines 14 and 15 and insert:

1.6 "(i) "Rider platform time" means the period of time when a driver is transporting one  
1.7 or more riders during a prearranged ride. For shared rides, rider platform time means the  
1.8 period of time commencing when the first rider enters the driver's vehicle until the time  
1.9 when the last rider exits the driver's vehicle.

1.10 "(j) "Shared ride" means a dispatched trip which, prior to its commencement, a rider  
1.11 requests through the transportation network company's digital network to share the dispatched  
1.12 trip with one or more riders and each passenger is charged a fare that is calculated, in whole  
1.13 or in part, based on the rider's request to share all or a part of the dispatched trip with one  
1.14 or more riders, regardless of whether the passenger actually shares all or a part of the  
1.15 dispatched trip."

1.16 Page 2, line 16, delete "(j)" and insert "(k)" and before "has" insert "or "TNC""

1.17 Page 2, line 20, delete "(k)" and insert "(l)"

1.18 Page 2, delete section 2 and insert:

1.19 "**Sec. 2. [181C.02] TRANSPORTATION NETWORK DRIVER STATUS.**

1.20 Subdivision 1. **Driver classification.** For all purposes under state law, a transportation  
1.21 network company driver is an independent contractor and not an employee or agent of a  
1.22 transportation network company if the following factors are met:

2.1 (1) the transportation network company does not unilaterally prescribe specific dates,  
2.2 times of day, or a minimum number of hours during which the driver must be logged into  
2.3 the transportation network company's online-enabled application or platform;

2.4 (2) the transportation network company may not terminate the contract of the driver for  
2.5 not accepting a specific transportation service request;

2.6 (3) the transportation network company does not contractually prohibit the driver from  
2.7 performing services through other transportation network companies, except while performing  
2.8 services through the transportation network company's online-enabled application or platform  
2.9 during a prearranged ride; and

2.10 (4) the transportation network company does not contractually prohibit the driver from  
2.11 working in any other lawful occupation or business.

2.12 Subd. 2. **Burden of proof.** Notwithstanding any state or local law to the contrary, any  
2.13 party seeking to establish that the factors in subdivision 1 are not met bears the burden of  
2.14 proof.

2.15 **Sec. 3. [181C.03] OBLIGATIONS AND DUTIES; INSURANCE REQUIREMENTS.**

2.16 (a) Within 240 days of the effective date of this act, a TNC must maintain insurance on  
2.17 a driver's behalf that covers those who have been drivers for at least three months, and  
2.18 covers injuries to drivers as set forth in paragraph (b), that are not covered by automobile  
2.19 insurance, and occur during a prearranged ride.

2.20 (b) Policies issued pursuant to paragraph (a) must cover injuries to a driver that present  
2.21 clear physical manifestations within ten days of the qualifying incident, and any exacerbations  
2.22 or reoccurrence of the original injuries. Notwithstanding anything to the contrary in this  
2.23 section, the limits of the policy shall at a minimum include an aggregate limit of \$1,000,000  
2.24 per accident and provide for a payment of benefits to a covered individual as follows:

2.25 (1) coverage for medical expenses incurred, up to at least \$250,000;

2.26 (2) continuous total disability payments, temporary total disability payments, and partial  
2.27 disability equal to 66 percent of the transportation network company driver's average weekly  
2.28 earnings but not more than the maximum weekly compensation rate, unless the average  
2.29 weekly earnings of the transportation network company driver is less than the minimum  
2.30 weekly compensation rate, in which case the weekly compensation shall be equal to the  
2.31 transportation network company driver's average weekly earnings. Payments under this  
2.32 paragraph shall be made for up to the first 156 weeks following the injury; and

3.1 (3) for the benefit of spouses, children, or other dependents of transportation network  
 3.2 company drivers, accidental death insurance in the amount equal to 66 percent of the  
 3.3 transportation network company driver's average weekly earnings but not more than the  
 3.4 maximum weekly compensation rate, unless the average weekly earnings of the transportation  
 3.5 network company driver is less than the minimum weekly compensation rate, in which case  
 3.6 the weekly compensation shall be equal to the transportation network company driver's  
 3.7 average weekly earnings, times 156 weeks for injuries suffered by a transportation network  
 3.8 company driver while the transportation network company driver is engaged on the  
 3.9 transportation network company's digital network that result in death.

3.10 (c) For purposes of this section:

3.11 (1) a transportation network company driver is engaged on a transportation network  
 3.12 company's digital network from the moment the transportation network company driver  
 3.13 accepts a ride request to the moment the transportation network company driver completes  
 3.14 that ride request as recorded in the transportation network company's digital network; and

3.15 (2) "average weekly earnings" means the transportation network company driver's total  
 3.16 compensation, received under section 181C.04, from all transportation network companies  
 3.17 during the 28 days prior to the accident divided by four.

3.18 (d) Any benefits provided to a transportation network company driver under paragraph  
 3.19 (a) or (b) of this section shall be considered amounts payable under a worker's compensation  
 3.20 law or disability benefit for the purpose of determining amounts payable under any insurance  
 3.21 provided under section 65B.49, subdivision 3, or under a plan of reparation security, as  
 3.22 defined in section 65B.43.

3.23 (e) The commissioner of insurance shall adopt any rules necessary to implement this  
 3.24 section."

3.25 Page 3, delete section 3

3.26 Page 4, line 15, delete "\$0.59" and insert "\$0.25" and delete "\$1.85" and insert "\$1.15"

3.27 Page 4, line 16, before "rider" insert "miles traveled during" and after "platform" insert  
 3.28 "time" and delete the second "miles"

3.29 Page 4, line 17, delete "\$5.17" and insert "\$5.00"

3.30 Page 4, line 18, delete "minimums" and insert "minimum" and after "(a)" insert ", clause  
 3.31 (2) applies" and delete "apply"

3.32 Page 5, line 19, delete "and" and insert "or"

4.1 Page 7, delete subdivision 7 and insert:

4.2 "Subd. 7. **Rate adjustments.** Beginning January 1, 2025, and each January 1 thereafter,  
4.3 the minimum compensation standards in subdivision 1 must be adjusted based on the  
4.4 percentage change in the large employer minimum wage rate established under section  
4.5 177.24, subdivision 1, that is set to take effect the next January.

4.6 **EFFECTIVE DATE.** This section is effective on January 1, 2024."

4.7 Page 7, delete section 5 and insert:

4.8 "Sec. 5. **[181C.05] ACCOUNT DEACTIVATION.**

4.9 (a) A TNC must provide drivers whose accounts have been deactivated by the TNC an  
4.10 opportunity to appeal the account deactivation with the TNC.

4.11 (b) A TNC must provide the driver with a written account, which may be delivered  
4.12 electronically, of the basis for any proposed account deactivation, with the details of the  
4.13 reason for the account deactivation.

4.14 (c) A TNC must have clear written rules stating the circumstances under which a driver  
4.15 may be deactivated, either permanently or temporarily. These rules must be available to a  
4.16 driver both online and through the TNC's digital network prior to that driver's first ride.  
4.17 Any subsequent updates to the rules must also be available to a driver in the same manner  
4.18 prior to enforcement.

4.19 (d) The driver must have the opportunity to present their position and any other relevant  
4.20 information or witnesses regarding an alleged infraction. The TNC must consider the  
4.21 information presented by the driver."

4.22 Page 8, delete section 6

4.23 Page 9, delete sections 7 and 8 and insert:

4.24 "Sec. 6. **[181C.06] DISCRIMINATION AND RETALIATION PROHIBITED.**

4.25 (a) A transportation network company may not discriminate or retaliate against any  
4.26 transportation network drivers, applicants to become drivers, or riders on the basis of race,  
4.27 national origin, color, religion, age, gender, disability, sexual orientation, or gender identity.  
4.28 Nothing in this language prohibits providing reasonable accommodations to people with a  
4.29 disability, for religious reasons, due to pregnancy, or to remedy previous discriminatory  
4.30 behavior.

5.1 (b) A transportation network company may not preferentially offer ride requests based  
5.2 on a protected right or on the basis of race, national origin, color, religion, age, gender,  
5.3 disability, sexual orientation, or gender identity, including using the exercise of a protected  
5.4 right as a basis for offering or not offering a ride request to that driver."

5.5 Page 9, line 23, delete "[181C.10]" and insert "[181C.07]"

5.6 Page 9, line 26, delete the colon and insert a period

5.7 Page 9, delete lines 27 to 30

5.8 Page 10, delete lines 1 to 3

5.9 Page 10, delete sections 10 and 11 and insert:

5.10 "Sec. 8. [181C.08] PREEMPTION OF LOCAL LAW.

5.11 Notwithstanding any other provision of law, local governmental units of this state may  
5.12 neither enact nor enforce any ordinance or other local law or regulation:

5.13 (1) that regulate any matter relating to the insurance requirements of transportation  
5.14 network companies, worker classification of transportation network company drivers, or  
5.15 benefits or compensation requirements for transportation network company drivers. It is  
5.16 not the intent of this section to preempt local ordinances governing the licensing of  
5.17 transportation network companies or transportation network drivers to the extent the  
5.18 ordinances do not conflict with or impose additional requirements to the provisions of this  
5.19 chapter or section 65B.472; or

5.20 (2) imposing a tax or fee on a transportation network company or a transportation network  
5.21 driver other than a fee imposed to recoup the cost of regulating and issuing a license or  
5.22 permit for a transportation network company. It is not the intent of this section to preempt  
5.23 any ordinance that imposes a generally applicable tax or fee that is not explicitly or  
5.24 exclusively imposed on a transportation network company or transportation network company  
5.25 driver.

5.26 Sec. 9. [181C.09] PROMULGATION.

5.27 Any rule promulgated under this act must take effect at least 180 days after publication  
5.28 of the final rule.

6.1 Sec. 10. **EFFECTIVE DATE.**

6.2 Sections 1 to 7 are effective January 1, 2024. Sections 8 and 9 are effective the day  
6.3 following final enactment."

6.4 Page 11, delete sections 12 and 13

6.5 Renumber the sections in sequence and correct the internal references

6.6 Amend the title accordingly