

**Rasier, LLC Comments on the  
Rhode Island  
Division of Public Utilities and Carriers  
Proposed Rules 815-RICR-50-10-5**

Rasier, LLC (“Rasier”), an affiliate of Uber Technologies, Inc., hereby submits comments to the Division of Public Utilities and Carriers (the “Division”) on the proposed “Rules and Regulations Governing the Transportation of Passengers via Transportation Network Companies” promulgated under R.I. General Laws Chapter 39-14.2 (the “Regulations”). Rasier is a transportation network company (“TNC”) in Rhode Island, and wants to ensure that the Regulations are both clear in their application and consistent with the statutory framework set forth in Chapter 39-14.2, *et seq*, of the Rhode Island General Laws. Rasier thanks the Division for the opportunity to expand on our comments following the public hearing on July 19, 2017, and for the Division’s continued commitment to the development of a reasonable framework for regulation of transportation network services in Rhode Island. As explained in more detail below, Rasier urges the Division to make a few critical edits to the Regulations in order to ensure safe, reliable transportation throughout Rhode Island. Rasier has provided a redline detailing our proposed changes, attached hereto as Exhibit A.

**I. The Division Should Not Require Written Authorization from Vehicle Owners.**

Proposed Rule 5.4(A)(1) would provide that “if the vehicle to be used by the individual/applicant is owned by and insured through another individual, the individual submitting the application must provide written authorization from that owner/insured that acknowledges that he/she is aware that their vehicle will be used for TNC services and that he/she has been notified that either the TNC is providing insurance coverage outlined in § 5.7(B)(1) or the TNC has chosen to not provide insurance coverage and is notifying the owner/insured pursuant to § 5.7(B)(2).”

First, this written authorization requirement exceeds the scope of required coverage set forth in the statute.<sup>1</sup> The proposed rules attempt to create a new insurance requirement in § 5.7(B)(1), collision insurance, that appears nowhere in the statute, and uses that new insurance requirement to justify this new authorization provision. This goes beyond the intent of the Rhode Island Legislature, which determined exactly what types of coverages and limits were required. In fact, this coverage is not required of any other vehicle in the state, and was considered and rejected by organizations representing approximately 95 percent of the personal lines insurance industry, and by the National Conference of Insurance Legislators, when drafting model insurance terms for TNCs.

Given the careful attention and debate this matter garnered during the passage of the Rhode Island TNC law, the Division lacks authority to impose new types of insurance, or new requirements attached to that new insurance, which the legislature declined to include. In order for these regulations to comport with the statute, Section 5.7(B)(1) must be amended to remove the insurance requirement related to physical damage coverage on the TNC vehicle.

Separately, this written authorization is also wholly unnecessary. Rasier already requires that a driver be either a registered owner of the vehicle he or she will drive, or an insured on the personal auto policy insuring that vehicle. By doing so, Rasier verifies that the individual is “authorized ... to use the vehicle,” which is the term and requirement adopted in the statute.<sup>2</sup> For insurance coverage to attach, an individual simply does not need to be the vehicle owner, he/she only has to be an insured under an auto policy that will cover him/her and the vehicle used for transportation services.

Because TNCs already maintain proof that TNC drivers in non-owned vehicles are expressly insured, and because the Division’s proposed “written authorization” requirement is

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<sup>1</sup> See R.I. Gen. Laws § 39-14.2-14.

<sup>2</sup> See R.I. Gen. Law § 39-14.2-9.

unnecessary and goes beyond the intent of the legislature, we respectfully request that the Division strike the written authorization provision, from Sections 5.4(A)(1); 5.4(B)(5); and 5.5(B)(4)(b), and eliminate the proposed new insurance requirements in Section 5.7(B)(1)-(2). In the event that the Division disagrees, Raiser respectfully submits proposed substitute language in Exhibit A attached hereto, which Raiser believes would reduce ambiguity in the proposed rule.<sup>3</sup>

## II. The Proposed Driver Hours Limit Should be Revisited

Proposed Rules 5.3(E) and 5.5(M) provide that “No TNC shall permit a TNC driver to be connected to its digital network for more than 12 hours in a 24-hour period unless the connection/driving time is broken by a period of eight full hours of rest.” Proposed Rule 5.5(M) further requires that “[b]efore allowing a TNC driver to connect to its digital network, a TNC must inquire whether the driver requesting access to the TNC’s digital network has driven for another TNC during the last 24 hours and whether the driver has exceeded or will be exceeding his/her maximum allowable hours of TNC service operations.” The current proposal is inconsistent with legislative intent, overly burdensome, and unnecessarily intrudes into drivers’ private lives -- without providing a safeguard against the risks of drowsiness. Raiser respectfully requests that the Division reconsider including such restrictions. TNCs’ updated technology promotes safety in better and more holistic ways, making these types of caps unnecessary.

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<sup>3</sup> Raiser’s proposal for Section 5.4(A)(1) is as follows: “Require the individual to submit an application to the TNC that includes the individual’s name, address, age, driver’s license number, photocopy or electronic copy of the driver’s license, motor vehicle registration for the personal vehicle that the individual intends to use to provide prearranged rides, automobile liability insurance policy (with effective dates), and other information as may be required by the TNC. Further, if the individual/applicant is neither an owner of the vehicle to be used to provide TNC services nor an insured under the policy insuring that vehicle, then the individual/applicant must submit written proof from an owner or insured ~~if the vehicle to be used by the individual/applicant is owned by and insured through another individual, the individual submitting the application must provide written authorization from that owner/insured that~~ acknowledges that he/she is aware that their vehicle will be used for TNC services and that he/she has been notified that either the TNC is providing insurance coverage pursuant ~~outlined~~ to § 5.7(B)(1) of this Part or the TNC has chosen to not provide insurance coverage and is notifying the owner/insured pursuant to § 5.7(B)(2) of this Part.”

**A. Any Limits Should Be Based on Driving Time, Not Time Logged In.**

Ridesharing is a flexible model and TNC apps are specifically designed to be responsive to the needs and unique preferences of those who drive on TNC apps. This warrants a new approach to driver hours -- one that avoids blanket limits and preserves the breaks and rest periods that are inherent in ridesharing.

Many individuals who use Uber's app set their own schedules and drive on the app around other activities in their lives. For example, nearly half of the drivers in Rhode Island are on the platform for less than 10 hours per week and most are not traditional "shift drivers." Importantly, unlike taxi and other for-hire services, rideshare drivers can stop and take breaks when necessary and connect to their next rider once rested.

Requirements that set blanket limits on driver hours run counter to this flexibility and promote a dangerous mentality focused on pushing through a "shift" -- discouraging rest -- rather than paying attention to one's own well-being. Limiting the time a TNC driver can be connected to a TNC digital network to a single 12 hour "shift" in a 24-hour period unintentionally disincentivizes breaks and could lead to unsafe behaviors. For this reason, to the extent the Division includes some limitation, driving time, not time logged into the app, is a better measure. This is a more accurate way of approaching driver hours, and preserves TNC drivers' existing self regulation, their ability to take breaks, and existing incentives to take rest periods when needed, all important components of the TNC model.

**B. Drivers Should Remain Responsible for Any Requirement.**

Proposed rule 5.5(M) requires TNCs to prohibit TNC drivers from remaining connected for more than 12 hours in a 24-hour period without a break of eight hours. As currently drafted, requirement would eliminate the responsibility of drivers themselves in monitoring their own rest.

Insufficient sleep is universal public health concern<sup>4</sup>, and the only proven remedy is adequate rest. The number of hours a driver has been online does not tell us how tired they are or how likely they are to be involved in a crash. Awareness and attention to one's own well being are the best ways to prevent drowsy and fatigued driving. This is why it is important that drivers remain a key stakeholder, responsible for any requirement.

Rasier's Community Guidelines make it clear that drivers should take breaks if they feel tired.<sup>5</sup> Additionally, we use technology to help raise awareness and educate drivers about the importance of not driving while tired. Via an in-app product, drivers are periodically reminded about what the experts say, and directed toward resources to learn more about the dangers of fatigued and drowsy driving. These features stand in stark contrast to other types of for-hire vehicles, like trucking, for example, where drivers could go hundreds of miles before seeing a manager, or taxis, which have very little connection to or feedback via passengers.

Though Raiser takes these concrete steps, the Division's rules should better reflect that drivers are key. They are the only ones who can really know if they are well-rested and ready to drive. TNC networks have a role to play, but the real impact comes from drivers.

For the above reasons, Rasier respectfully requests that the Division revisit its approach and focus on promoting attentive behaviors and the importance of driver engagement. Any limit on driving time should not disincentivize rest, must maintain the flexible nature of ridesharing, and should target the stakeholders best positioned to keep the roads safe.

In the event the Division decides to continue to limit hours, Rasier respectfully recommends it modify the proposal as suggested in Exhibit A.<sup>6</sup>

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<sup>4</sup> <https://www.cdc.gov/features/dssleep/>

<sup>5</sup> <https://www.uber.com/legal/community-guidelines/us-en/>

<sup>6</sup> Raiser's proposal for Section 5.5(M) is as follows: No ~~TNC shall permit a~~ TNC driver ~~shall drive to be connected to its digital network~~ for more than 12 hours ~~in a 24-hour period~~ unless the ~~connection~~ driving time is broken by a period of ~~eight six~~ full hours of rest. ~~Before allowing a TNC driver to connect to its digital network, a TNC must inquire whether the driver requesting access to the TNC's digital network has~~

### **C. Drivers Should Not Need to Report Time on Competing Networks.**

Proposed Rule 5.5(M) would further require that “[b]efore allowing a TNC driver to connect to its digital network, a TNC must inquire whether the driver requesting access to the TNC’s digital network has driven for another TNC during the last 24 hours and whether the driver has exceeded or will be exceeding his/her maximum allowable hours of TNC service operations.” This requirement is an invasion of drivers independence and privacy, impossible for TNCs to implement and enforce, and outside the scope of R.I. Gen. Laws § 39-14.2.

First, this requirement is not authorized by the plain terms of the Rhode Island General Laws applicable to TNCs. While the Division may promulgate regulations in a number of areas,<sup>7</sup> under § 39-14.2-3 the Division may only “prescribe rules and regulations consistent with this chapter that are necessary to assure adequate, safe and compliant service under this chapter.” Requiring TNC drivers to report time under this proposed rule would be inconsistent with current law and the Division lacks authority to do so. Rather than any provision that would allow the Division to require drivers to report driving with one TNC to another TNC, the law is explicit that drivers may “‘partner’ with more than one properly permitted transportation network company.”<sup>8</sup> This proposed rule conflicts with the terms of the statute, and as described here, would further neither safety nor compliance.

Second, this provision would constitute an unpermitted intrusion into drivers’ private lives, well beyond the authority of the Division in implementing TNC rules. Drivers should not be required to report time spent working with competing TNC networks any more than they should be required to report other “day” jobs. The Rasier terms of service and the existing statute<sup>9</sup>

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~~driven for another TNC during the last 24 hours and whether the driver has exceeded or will be exceeding his/her maximum allowable hours of TNC service operations.~~

<sup>7</sup> E.g., R.I. Gen. Law § 39-14.2-5(B)(2) “the process for submitting such information shall be established through regulations promulgated by the Division”).

<sup>8</sup> R.I. Gen. Law § 39-14.2-(7)(D).

<sup>9</sup> See R.I. Gen. Laws § 39-14.2-7(D).

specifically permit partners to drive with other networks. Tracking that time and requiring drivers to report it would discourage partners from taking advantage of our deliberately flexible terms, designed to allow drivers to partake in as many economic opportunities as they wish. Moreover, introducing a requirement to report time would introduce an additional barrier for individuals to access independent and flexible work and unnecessarily compromise their privacy.

Third, TNC drivers are independent contractors, responsible for self monitoring and their own transportation businesses. Drivers are not obligated to any TNC when they are not connected to the TNC's digital network; they are explicitly permitted to drive for competing companies or even for competing industries. The obligation should lie with the driver to determine whether he or she is rested enough to drive. It should not fall to TNCs to track drivers' time on other networks to determine whether that time has gotten to be "too much."

If the Division were to adopt this rule, it would prove detrimental to healthy competition and impossible to enforce. TNCs compete against one another and do not share data amongst themselves, so it would be impossible for TNCs to verify whether drivers are accurately reporting time spent on other networks. Nor would there be any workable way for the Division to compare data across TNCs without the Division first building a significant technical system which would be costly, time-consuming, and wholly unnecessary. Finally, requiring drivers to report time spent driving on one TNC to another TNC would place valuable trade secrets -- information about TNC drivers -- at risk.

Long hours behind the wheel are a legitimate safety concern and the Division is attempting to address the potential for unsafe driving due to drowsiness or fatigue. This is better and more efficiently addressed through technology and driver education. The Division should rely on these functional solutions that can actually help reduce fatigued driving, rather than impose an

unworkable fix. Rasier respectfully requests that the Division not require partners to track or report time spent driving for other networks.

### **III. Division Rules Should Address Safety, And Should Respect Driver Privacy.**

In the proposed rules, the Division includes a number of provisions that would significantly impact driver privacy without a positive impact on safety. Rasier urges the Division to consider safety to be its guiding principle, and to avoid intruding on driver privacy without any safety upside.

#### **A. Sharing a Daily Driver List is Unnecessary and Unduly Burdensome.**

In proposed Rule 5.4(C), the Division proposes that in addition to conducting a background check on each individual applicant to drive for a TNC, TNCs must also “certify to the Division that the applicant has satisfied the aforementioned background check criteria by providing the Division with an electronically-delivered daily ‘drivers list’ that verifies compliance and which provides the following details on each certified driver: (1) the driver’s full name, (2) the plate number (and state) that will be displayed on the vehicle the driver plans to use to provide TNC services, (3) the driver’s license number (and state), and (4) the date on which the driver is authorized to begin providing TNC services.”

Requiring TNCs to share “driver lists” on a daily basis with the Division would be unnecessary and unduly burdensome. The Division proposes that it would use such a list to verify whether a driver involved in an incident is affiliated with a given TNC and to confirm that TNCs are performing background checks. But the Rhode Island TNC law already requires a TNC to provide the Division information about a driver involved in an incident -- including whether the driver is still affiliated with the TNC -- upon request, if the incident involves an alleged violation of the TNC law or if such information is necessary to resolve a complaint

against a driver.<sup>10</sup> Moreover, receiving this information directly from the TNC following an incident gives more up-to-date and contextual information than relying on a potentially outdated driver list. For example, if the information is relevant to the Division's investigation, Rasier can confirm whether the driver is still affiliated with Rasier, and whether he or she was providing a prearranged ride through the Rasier digital network at the time of the incident, when the trip began and ended, and the trip route.

Furthermore, TNCs like Rasier are promoting rider and driver safety in new ways through technology. For example, the Rasier app includes a driver rating system whereby after every trip riders can rate the driver and give feedback about them. A driver whose service is deemed unsatisfactory as a result of these responses, after investigation, will no longer be permitted to access the Rasier digital network. Attached as Exhibit B, please find a more detailed summary of Rasier's safety features. These innovative technology features are a more effective and efficient way of protecting consumers than requiring the Division to manually review each TNC's list of drivers, which would be cumbersome, potentially subject to significant privacy concerns despite the Division's confidentiality clause in this section, and would quickly become outdated.

Finally, because Rasier regularly updates its drivers list based on rider feedback and other information (*see* Uber Community Guidelines<sup>11</sup>), and because the law already requires Rasier to ensure that every driver has passed a background check before such drivers may connect to riders through the Rasier digital network, it would be unduly burdensome for Rasier to send the Division an updated list every time there is a change. State law already requires Rasier to provide the Division with the tools it needs to investigate alleged violations of TNC laws and complaints against drivers, so there is no additional need for the Division to adopt a driver list sharing

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<sup>10</sup> *See* R.I. General Laws Chapter 39-14.2-4, Proposed Rule 5.4(C).

<sup>11</sup> <https://www.uber.com/legal/community-guidelines/us-en/>

requirement. These rules are antiquated and inconsistent with the updated TNC model, and they do not serve any legitimate safety or welfare goal.

Should the Division decide to include a driver list requirement, Raiser respectfully requests that it seek the information on an annual basis only, and that TNCs provide unique identification instead of personally identifiable information as that would be required under the proposed rules as outlined in Exhibit A.<sup>12</sup>

**B. No Need to Track All Complaints or Driver Log Ins to TNC App.**

In Rule 5.5(K), the Division proposes that “a TNC shall maintain detailed TNC driver records that include the dates and times the driver ‘logs into’ and ‘logs out of’ the TNC's digital network, the number of TNC service trips the driver performs through the TNC's digital network, and the total miles driven and fares collected. Additionally, the TNC shall maintain records of all passenger complaints lodged against each TNC driver and the results of any investigation or actions taken as a result of such complaints. Such records shall be maintained for a minimum of two (2) years from December 31 of the calendar year in which the services were rendered.”

Maintaining records on every driver login far exceeds any step necessary to ensure safety of drivers and riders, and the Division should not require it. Safety does not depend on whether an individual is signed in or out of the app, but rather what happens while a driver is on a trip. TNCs are already required to maintain records of trips each driver performs under the applicable statute, including total miles driven and fares collected. Extending this requirement to include every login

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<sup>12</sup> Raiser’s proposal for Section 5.4(C) is as follows: “The TNC shall certify to the Division that the applicant has satisfied the aforementioned background check criteria by providing the Division with an electronically-delivered ~~daily~~ “drivers list” on an annual basis that verifies compliance and which provides a unique identifier for each driver, and

- ~~1-~~ ~~the driver’s full name;~~
- ~~2-~~ ~~the plate number (and state) that will be displayed on the vehicle the driver plans to use to provide TNC services;~~
- ~~3-~~ ~~the driver’s license number (and state); and~~
- ~~4-~~ the date on which the driver is authorized to begin providing TNC services. Such records shall be treated by the Division as confidential and shall not be treated as public records.”

would create significant administrative burden and intrude on driver privacy without making a meaningful difference to driver and rider safety. Information regarding when a driver is logged into the app is not necessarily correlated to whether or not that driver is on a trip or seeking a connection to a passenger. A driver may be logging in to explore an app update, review our Terms of Service, or to check his or her balance. None of these scenarios implicate safety. In fact, the *only* scenario that does implicate safety is a driver engaging with a passenger -- and TNCs are already required to maintain records relevant to those interactions.

There is simply no need for the Division to require TNCs to maintain records of all driver logins. These records would not further public safety or welfare. Moreover, inspecting such voluminous data would be inefficient and costly for the Division, as it would result in a great deal of additional meaningless “noise” around the meaningful TNC data the Division would more realistically want to inspect. Rasier urges the Division to require TNCs to maintain only those records -- already significant -- required by the Chapter 39-14.2, without extending this requirement to include the additional unnecessary and irrelevant data point, driver logins.

Similarly, the Division’s requirement that TNCs make available records of every complaint filed against each driver is overbroad and problematic to implement. Complaints do not necessarily stem from any driver activity; rather, complaints are often related to a trip route or product quirk, like mis-identification of a building’s entry or exit door, a poor or inconvenient pick-up location estimate, or waiting for a previous passenger to exit a vehicle before entering.

Under Chapter 39-14.2, the Division is already authorized to “conduct investigations into complaints, conduct investigations initiated on its own, and to hold hearings as it deems necessary to fulfill the proper administration of this chapter.”<sup>13</sup> For more serious Zero Tolerance Complaints, TNCs are required to suspend that driver’s access as soon as possible, investigate the

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<sup>13</sup> *Id.* at 39-14.2-3.

complaint, and maintain records relevant to that investigation for two years.”<sup>14</sup> There is simply no need for additional requirements for reporting of complaints, many of which are disconnected from a driver’s activities while on the road.

Given existing safety measures and authority for the Division to audit or investigate in case of a potential problem, Rasier respectfully requests that the Division not require TNCs to maintain this additional record of *every* complaint against each TNC driver. This proposal would add a substantial burden without proportionate gains in favor of safety or public welfare.

#### **IV. Division’s Proposed Complaint Procedures Are Cumbersome and Unnecessary.**

The Division’s proposed complaint procedures require reporting from TNCs that is cumbersome and unnecessary. Rule 5.5(H) proposes that, in addition to implementing a Zero Tolerance Policy, every TNC, “[u]pon receipt of [a] rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC operator's access to the digital network as soon as possible and shall conduct an investigation into the reported incident. The suspension of access shall last until the investigation is complete. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the TNC. The TNC shall also provide the Division with a copy of the complaint and a report on the TNC’s investigatory findings and action taken thereon immediately after the investigation is completed.”

This proposed zero-tolerance complaint procedure goes well beyond what the Rhode Island legislature anticipated in its statutory zero tolerance policy. Zero tolerance complaints are one of the key areas where TNC technology improves upon other for-hire vehicles’ antiquated systems, by providing end-to-end GPS tracking for rides, and a two-way rating system that provides real-time feedback about how drivers are performing on the road.

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<sup>14</sup> *Id.* at 39-14.2-17.

With other for-hire vehicle types, zero-tolerance complaints may not make it to a dispatcher's desk until hours have passed, resulting in an hours- or days-long gap between complaint and resolution. For TNCs, by contrast, built-in safety measures proactively respond to issues related to impaired driving, by tracking rider feedback through the star rating system and monitoring records of trip taken. If these issues or complaints are confirmed, partners lose access to the network, making it impossible for those drivers to connect with riders. TNC digital networks further provide 24/7 customer support, so problems are handled much more quickly.

Finally, unlike other for-hire vehicle types, TNCs can deactivate a problematic driver at a moment's notice. Once deactivated, drivers lose their ability to connect to passengers and perform trips for hire.

Under R.I. General Laws Chapter 39-14.2, the Division is already authorized to "conduct investigations into complaints, conduct investigations initiated on its own, and to hold hearings as it deems necessary to fulfill the proper administration of this chapter."<sup>15</sup> There is simply no need for additional reporting of complaints. Given these existing safety measures and authority for the Division to audit or investigate in case of a potential problem, this proposal would add a substantial burden without proportionate gains in favor of safety or public welfare.

Rasier urges the Division to remove this complaint reporting requirement completely, given that it is unnecessary, that the Division already has authority to investigate complaints on reasonable suspicion, and that TNC technology already addresses the potential for impaired driving more quickly, thoroughly, and effectively than do other for-hire vehicle types.

#### **IV. Penalties Are Extreme and Disproportionate**

The penalties provided for in proposed rule 5.9 unnecessarily threaten TNCs' and TNC drivers' ability to operate at all. With vague, discretionary thresholds for revoking a TNC permit

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<sup>15</sup> *Id.* at 39-14.2-3.

or a driver's right to drive, TNCs and drivers cannot rely on their ability to operate, and therefore cannot invest in their businesses in Rhode Island.

**A. The Division Should Not Have Authority to Revoke a Permit for "Any" Violation.**

The Penalties provision in Rule 5.9(B) of the proposed Regulations states that "[t]he Division is authorized to suspend or revoke a TNC permit for any violation of these rules and regulations or violation of the provisions of R.I. Gen. Laws Chapter 39-14.2."

This extreme proposal would permit the Division an enormous amount of discretion over TNCs' ability to operate in Rhode Island at all. Under this provision, the Division could revoke the TNC's permit for even a minute or unintentional violation, such as a single driver's failure to display trade dress. If the very TNC permit that allows a TNC to operate is at stake, TNCs cannot invest in the Ocean State or expend resources to build a business there.

To promote a workable implementation, and to further TNCs' relationship with Rhode Island, Rasier respectfully requests that the Division impose functional parameters on what violations of applicable rules and regulations would implicate TNCs' licenses, and which violations would carry a lesser penalty. Rasier specifically requests that the Division edit this proposed regulation so that a permit would be revocable only for intentional or reckless violations; and (2) on notice by the Division. This formulation would allow TNCs to rely on our permits and invest in the state, as well as to correct any violations on notice that they have occurred.

**B. The Division Should Not Bar Partners from Driving for "Any" Violation.**

Similarly, proposed rule 5.9(C) provides that "[f]ailure by any TNC or TNC driver to adhere to and comply with any of these rules and/or any applicable state statutes may be grounds for regulatory sanctions. Generally, such sanctions shall be sought and imposed only after a formal hearing on the issue, but the Division reserves the right to impose an immediate

suspension of a TNC permit holder's authority to operate as a TNC and/or a TNC driver's authority to drive for a TNC if such an action is deemed in the public interest; if such a discretionary action is taken, a formal hearing shall be scheduled as soon as possible to gauge the appropriateness of the immediate suspension and to determine if the suspension shall continue."

For reasons similar to those stated above, Rasier asks that the Regulations permit the Division to suspend a partner from driving *only* on repeated or substantial violations. At a minimum, before suspending a driver's ability to work and make a living, the Division should be required to show that such violation was intentional. Further, Rasier requests that the Division clarify its showing of what is in the "public interest" that would merit suspending a partner immediately, and take such action only when necessary to avoid some clear and immediate harm.

**V. Small Edits Would Improve the Implementation of Division Rules.**

Finally, the proposed Regulations contain a number of minor items that contradict legislative intent, which Rasier respectfully requests that the Division revise to smooth implementation of the law and TNCs' long-term operations in the state. In our proposed redline, attached as Exhibit A, Rasier has noted these items and asks the Division to consider these proposed changes.

For example, the Division's proposed rule 5.5(A) states that "no person may operate a TNC without a permit," but does not specifically allow TNCs already operating to continue to do so.

Similarly, the Division in proposed rule 5.5(B)(3), defining the permit application process, requests significantly more information regarding the background check mechanics than the Rhode Island legislature contemplated when it passed Chapter 39-14.2. The legislature spelled out background check criteria and a required process, but requesting the methodology and the

time required for each background check could implicate potential trade secret information, all of which is substantially more intrusive than what the legislature intended.

Rasier also requests that the Division narrow proposed rule 5.6(E) to “declared” disasters and states of emergency to avoid potential ambiguity about what situations it might include.

Finally, Rasier respectfully requests that the Division strike the language in proposed rule 5.11 that would permit the Division to notice a hearing by publication alone. While TNCs themselves could functionally monitor publication sites to watch for updates from the Division, driver partners would not as easily be able to do so. Rasier respectfully requests that the Division deliver notice by traditional means, and not require partners to submit to potential notice by publication alone.

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In summary, the proposed rules exceed the intent of the Rhode Island legislature and the safety and welfare considerations the Division should be addressing. Rasier appreciates the Division’s efforts in drafting these proposed rules, and applauds the Division’s efforts to address public safety and welfare. On substance, the proposed rules discussed above would be detrimental to the public interest, and the Division would better serve the public if the it incorporates the suggestions detailed herein. TNC services are improving transportation and economic opportunities and should be supported by reasonable regulations -- not thwarted by unworkable rules. Rasier urges the Division to consider the proposed revisions discussed in these comments, which would ensure safe, reliable transportation throughout Rhode Island.

Respectfully submitted on this 28th day of July, 2017,

A handwritten signature in black ink, appearing to read "Kathryn Ciano". The signature is written in a cursive style with a large initial "K" and a circular flourish at the end.

Kathryn Ciano  
Counsel for Rasier LLC  
kathryn@uber.com

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# **EXHIBIT A**

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## TITLE 815 – DIVISION OF PUBLIC UTILITIES AND CARRIERS

### CHAPTER 50 – Common Carriers

#### SUBCHAPTER 10 – Motor Carriers of Passengers

##### Part 5 – Transportation of Passengers via Transportation Network Companies

### 5.1 Authority

Consistent with a 2016 legislative mandate providing for the regulation of intrastate for-hire passenger transportation services provided by "Transportation Network Companies," enacted through R.I. Gen. Laws Chapter 39-14.2, these rules and regulations are deemed by the Division to be necessary to assure adequate, safe and compliant service under this new Chapter of the Rhode Island General Laws. These rules and regulations further acknowledge that the Division is authorized to conduct investigations into complaints, conduct investigations initiated on its own, and to hold hearings and impose sanctions as it deems necessary to fulfill the proper administration of R.I. Gen. Laws Chapter 39-14.2.

### 5.2 Definitions

- A. Terms used herein shall be construed as follows unless another meaning is expressed or is clearly apparent from the language or content.
1. "Administrator" means the Administrator of the Division of Public Utilities & Carriers or his or her duly appointed designee.
  2. "Digital Network" means any online-enabled technology application service, website or system offered or utilized by a transportation network company that enables the prearrangement of rider transportation with transportation network company drivers.
  3. "Division" means the Division of Public Utilities and Carriers.
  4. "Partner or Partnering" means the act of a TNC operator agreeing to the terms and conditions set forth by a TNC for access to the TNC's digital network for the purpose of being connected to potential TNC riders seeking TNC services.
  5. "Person" means and includes any individual, partnership, corporation or other association of individuals.
  6. "Personal Vehicle" means a vehicle that is used by a transportation network company driver and is:
    - a. Designed to hold no more than seven (7) individuals, including the driver;
    - b. Owned, leased or otherwise authorized for TNC use by the individual; and
    - c. Not a jitney, as defined in R.I. Gen. Laws § 39-13-1, a taxicab or limited public motor vehicle, as defined in R.I. Gen. Laws § 39-14-1, a public motor vehicle, as defined in R.I. Gen. Laws § 39-14.1-1, or a common carrier as defined in Title 39.
  7. "Transportation Network Company or TNC" means an entity licensed by the Division pursuant to R.I. Gen. Laws § 39-14.2 that uses a digital network to connect transportation network company riders to transportation network

operators who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

8. "Transportation Network Company Affiliation Placard" means a recognizable logo or decal issued by the TNC used to identify personal vehicles whenever such a vehicle is available to provide, or is providing, TNC services.
9. "Transportation Network Operator or TNC Operator or TNC Driver" means an individual who:
  - a. Receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
  - b. Uses a personal vehicle to offer or provide a prearranged ride to TNC riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.
10. Transportation Network Company (TNC) Rider or Rider: Means an individual or persons who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.
11. Transportation Network Company (TNC) Services or Prearranged Ride: Means the provision of transportation by a TNC driver to a TNC rider beginning when a TNC driver accepts a TNC rider's request for a ride made only through a digital network controlled by a transportation network company (TNC), continuing while the TNC driver transports the requesting TNC rider(s) and ending when the last requesting TNC rider(s) departs from the personal vehicle. TNC services and prearranged rides do not include transportation provided using a jitney, as defined in R.I. Gen. Laws § 39-13-1, a taxicab or limited public motor vehicle, as defined in R.I. Gen. Laws § 39-14-1, a public motor vehicle, as defined in R.I. Gen. Laws § 39-14.1-1, a common carrier as defined in Title 39 of the general laws, or a regional transportation provider. TNC services and prearranged rides do not include a shared expense carpool or vanpool arrangement or service.

### **5.3 TNC Driver Requirements**

- A. A TNC driver is not required to register the vehicle such driver uses for prearranged rides as a commercial or for-hire vehicle.
- B. TNC drivers may utilize a personal vehicle to provide licensed TNC services, provided:
  1. The vehicle is owned by, leased to or otherwise authorized by the legal owner/lessee to be used by a TNC driver to provide TNC services; and
  2. The vehicle is no older than fifteen (15) model years old and is designed to hold no more than seven (7) individuals, including the driver; and
  3. The vehicle meets the vehicle safety inspection requirements for a private motor vehicle in Rhode Island or, as applicable, the state in which the vehicle is registered performed by a facility licensed by the state to conduct such

inspections, and shall display an according inspection sticker on the vehicle's windshield if required to do so by applicable law; and

4. The vehicle shall have met or surpassed sanitary/acceptability standards established by the TNC with which the TNC driver has partnered; and
  5. It shall be prohibited for a TNC driver to connect to a TNC's digital network for the purpose of accepting solicitations and providing TNC services in a personal vehicle other than a personal vehicle that the TNC driver has registered with the TNC pursuant to R.I. Gen. Laws § 39-14.2-11.
- C. A TNC driver must display the Transportation Network Company's placard on the TNC's driver's personal vehicle at all times when connected to a TNC's digital network and when transporting a TNC rider.
  - D. A TNC driver may be affiliated with or may "partner" with more than one properly permitted transportation network company to provide TNC services.
  - E. ~~TNC drivers shall be prohibited from being connected to a TNC digital network(s) for more than 12 hours in a 24-hour period unless the driving time is broken by a period of eight full hours of rest.~~
  - F. No individual shall provide TNC services or transport TNC riders in a personal vehicle until the individual shall have first submitted to required background checks conducted through the TNC.
  - G. TNC drivers shall be strictly prohibited from soliciting or accepting so-called "street hails" or "walk-up requests" by potential passengers except as otherwise arranged through a TNC's digital network, or from parking at or waiting for passengers at taxicab stands.
  - H. TNC drivers are prohibited from smoking in their vehicles when transporting TNC riders. The TNC driver may allow or prohibit passengers from smoking in their vehicle.
  - I. At all times during their use of a vehicle in connection with a TNC's digital network, a TNC driver shall carry physical or electronic proof of insurance coverage that satisfies the financial responsibility provisions of R.I. Gen. Laws § 39-14.2-14. In the event of an accident ~~while, when logged on to the TNC's digital network or~~ providing a pre-arranged ride ~~or not~~, TNC drivers shall be required to provide this insurance coverage to all interested parties, automobile insurers and investigating police officers, upon request pursuant to R.I. Gen. Laws § 31-47- 2(15).
  - J. A TNC driver shall not operate his/her vehicle when it is so loaded or when there is in the front seat such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with his/her control over the vehicle. No TNC driver shall carry more passengers than the Manufacturer's designed capacity of the vehicle.
  - K. A TNC driver must report any criminal conviction or adjudicated traffic violation to the TNC(s) and the Division within five (5) business days of the conviction or adjudication. If the Division investigation reveals that the criminal conviction or adjudicated traffic violation is of such a nature that continued driving for a TNC by said TNC driver could constitute a danger to the public, the Division may impose an immediate suspension on the TNC driver's authority to drive for all TNCs doing business in Rhode Island; if such a discretionary action is taken, a formal hearing shall be scheduled as soon as possible to gauge the appropriateness of the immediate suspension and to determine if the suspension shall continue.

## 5.4 Transportation Network Company Requirements for TNC Driver Background Checks

- A. Prior to permitting an individual to accept trip requests through its digital network, a TNC shall:
1. Require the individual to submit an application to the TNC that includes the individual's name, address, age, driver's license number, photocopy or electronic copy of the driver's license, motor vehicle registration for the personal vehicle that the individual intends to use to provide prearranged rides, automobile liability insurance policy (with effective dates), and other information as may be required by the TNC. Further, if the individual/applicant is neither an owner of the vehicle to be used to provide TNC services nor an insured under the policy insuring that vehicle, then the individual/applicant must submit written proof from an owner or insured ~~if the vehicle to be used by the individual/applicant is owned by and insured through another individual, the individual submitting the application must provide written authorization from that owner/insured that~~ acknowledges that he/she is aware that their vehicle will be used for TNC services and that he/she has been notified that either the TNC is providing insurance coverage pursuant outlined to § 5.7(B)(1) of this Part or the TNC has chosen to not provide insurance coverage and is notifying the owner/insured pursuant to § 5.7(B)(2) of this Part.
  2. Conduct, or have a third party accredited by the National Association of Professional Background Screeners (NAPBS) conduct a local and national criminal background check for each applicant that shall include: (a) multi-state/multi-jurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search); and (b) Dru Sjodin National Sex Offender Public Website; and
  3. Obtain and review, or have a third party obtain and review, a driving history research report for such driving applicant.
- B. The TNC shall certify to the Division that the background checks verify that the applicant meets the following criteria:
1. Has not had more than three (3) moving violations in the prior three (3) year period, or one of the following major violations in the prior three (3) year period:
    - a. attempting to evade the police;
    - b. reckless driving or driving on a suspended license; or
    - c. revoked license;
  2. Has not, in the past seven (7) years, been convicted of or pleaded nolo contendere to any of the following:
    - a. driving under the influence of drugs or alcohol;
    - b. felony fraud;
    - c. sexual offenses;
    - d. use of a motor vehicle to commit a felony;

- e. felony crimes involving property damage, and/or theft; or
  - f. acts of violence or felony acts of terror.
3. Is not a match in the Dru Sjodin National Sex Offender Public Website;
  4. Possesses a valid driver's license;
  5. Possesses proof of registration for the motor vehicle to be used to provide prearranged rides or TNC services; ~~and further, if the vehicle to be used by the individual/applicant is owned by and insured through another individual, proof that the individual submitting the application received written authorization from that owner/insured that acknowledges that he/she is aware that their vehicle will be used for TNC services and that he/she has been notified that either the TNC is providing insurance coverage outlined to § 5.7(B)(1) of this Part or the TNC has chosen to not provide insurance coverage and is notifying the owner/insured pursuant to § 5.7(B)(2) of this Part.~~
  6. Possesses proof of automobile liability insurance, which satisfies the financial responsibility requirement for a motor vehicle under R.I. Gen. Laws § 31-47-2(13)(i)(A), for the motor vehicle(s) to be used to provide prearranged rides or TNC services; and
  7. Is at least nineteen (19) years of age.
- C. The TNC shall certify to the Division that the applicant has satisfied the aforementioned background check criteria by providing the Division with an electronically-delivered ~~daily~~ "drivers list" on an annual basis that verifies compliance and which provides a unique identifier for each driver, and
- ~~1. the driver's full name,~~
  - ~~2. the plate number (and state) that will be displayed on the vehicle the driver plans to use to provide TNC services,~~
  - ~~3. the driver's license number (and state), and~~
  4. the date on which the driver is authorized to begin providing TNC services. Such records shall be treated by the Division as confidential and shall not be treated as public records.
- D. The TNC shall conduct an annual background check on its TNC drivers and shall recertify to the Division on an annual basis that a TNC driver continues to satisfy all prescribed background check requirements.

## 5.5 Transportation Network Company Operating Requirements

- A. No person shall operate a TNC in the state until that person shall have applied for and obtained a permit from the Division, provided, that any TNC operating in the state before the effective date of this chapter may continue to operate in the state until such person or entity submits a permit application according to the process detailed in these Regulations. Such permits shall be renewed annually before the close of business on December 31. Permits shall not be transferred without the consent of the Division.
- B. No application for a permit may be granted or renewed unless each applicant for a permit has paid the appropriate application or renewal fee (fee schedule contained in R.I. Gen. Laws § 39-14.2-5(c)) and the Division determines that each applicant has satisfied the following requirements:

1. That the applicant has verified that it has a sufficient oversight process in place to ensure that every vehicle providing TNC services through its digital network possesses adequate insurance coverage;
  2. That the applicant has established vehicle sanitary and acceptability standards for its TNC drivers, which ensures compliance with the vehicle age and safety requirements contained in R.I. Gen. Laws Chapter 39-14.2 and, which also ensures that TNC riders will be transported in clean vehicles. Such standards shall be submitted, in writing, with all applications for TNC permits and be subject to Division approval;
  3. That the applicant has submitted to the Division information on the internal or third party background check entity and its data collection process to ensure compliance with the requirements of R.I. Gen. Laws § 39-14.2-7 (b) and (c). This information shall consist of the following:
    - a. The identity of the internal or third party background check entity (name, address and telephone number) and verification of accreditation by the National Association of Professional Background Screeners (NAPBS);
    - ~~b. Details on the methodology to be used in conducting the required background checks, including the time required to conduct such background checks;~~
    - ~~c. Details on the information required to be provided by the prospective TNC driver in order to begin the background check process and a description on how the internal or third party background check entity verifies the accuracy of the information provided by the prospective TNC driver; and~~
  4. That the applicant has verified that it has sufficient oversight processes in place to ensure that each TNC driver using the applicant's network:
    - a. Has submitted to a background check conducted by the applicant that includes a review of local and national criminal records, sex offender records and driving records associated with each driver;
    - b. Has submitted an application that contains the TNC driver's name, address, age, driver's license number, and a photocopy or electronic copy of the driver's license, motor vehicle registration, and automobile insurance policy. ~~and if applicable, verification from the vehicle's owner/insured that he/she is aware that their vehicle will be used for TNG services.~~
- C. Each TNC shall maintain a "business address" that must be a street address at which mailings may be delivered and said address shall be furnished to the Division. Post Office Boxes are not sufficient to satisfy this requirement. A change of business address shall be reported to the Division within ten (10) business days.
- D. The TNC's digital network shall display to passengers requesting TNC services a picture of the TNC driver and the license plate number of the vehicle to be used to provide the requested services before the passenger enters the TNC driver's vehicle.
- E. All TNCs must issue a transportation network affiliation placard to their TNC drivers and require their TNC drivers to display the TNC's transportation network affiliation placard in a conspicuous place on the TNC driver's personal vehicle at all times when connected to

the TNC's digital network. Each TNC shall provide the Division with one of its placards for informational purposes and shall provide updated placards in the event that a TNC redesigns its placard. Placards between TNCs must be sufficiently different to allow TNC riders and the Division to be able to distinguish between the various TNCs operating in Rhode Island.

- F. A TNC shall be prohibited from disclosing a TNC rider's personal identifiable information to a third party, except under the following conditions:
1. Disclosure is pursuant to the publicly disclosed terms of the TNC's privacy policy or another consent mechanism to which the rider consents;
  2. Disclosure is required by a legal obligation; or
  3. Disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms. In addition to the foregoing, a TNC shall be permitted to share a rider's name and/or telephone number with the TNC operator providing prearranged rides or TNC services to such passenger in order to facilitate correct identification of the rider by the TNC operator or to facilitate communications between those two parties.
- G. Every TNC shall adopt a policy of non-discrimination based on the rider's race, color, national origin, religious belief or affiliation, gender, physical disability, age, sexual orientation/identity, gender identity, or the pick-up location or drop-off location requested by the rider. TNCs and TNC drivers shall not impose any additional charge(s) for providing such non-discriminatory services.
- H. Every TNC shall implement a zero tolerance alcohol and drug policy regarding a TNC driver's activities while accessing the TNC's digital network. The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but not providing prearranged rides. The TNC shall provide notice of this policy on its website or mobile application, as well as the procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of a recently completed prearranged trip.
1. Upon receipt of such a rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC operator's access to the digital network as soon as possible and shall conduct an investigation into the reported incident. The suspension of access shall last until the investigation is complete. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the TNC. ~~The TNC shall also provide the Division with a copy of the complaint and a report on the TNC's investigatory findings and action taken thereon immediately after the investigation is completed.~~
- I. Before a TNC driver is allowed to accept a request for prearranged rides on the TNC's digital network, the TNC shall disclose in writing to its TNC driver the insurance coverage limits detailed in R.I. Gen. Laws § 39-14.2-15.
- J. A TNC shall maintain individual trip records that detail the date, time, pick-up location, drop-off location, distance traveled, length of time of the trip and total fare charged for every TNC service it coordinates in the state. Such records shall be maintained for a

minimum of two (2) years from December 31 of the calendar year in which the services were rendered.

- K. A TNC shall maintain detailed TNC driver records that include ~~the dates and times the driver "logs into" and "logs out of" the TNC's digital network,~~ the number of TNC service trips the driver performs through the TNC's digital network, and the total miles driven and fares collected. ~~Additionally, the TNC shall maintain records of all passenger complaints lodged against each TNC driver and the results of any investigation or actions taken as a result of such complaints.~~ Such records shall be maintained for a minimum of two (2) years from December 31 of the calendar year in which the services were rendered.
- L. No TNC permit holder may use any other business name than that listed on the permit. Should a business name be changed, the permit holder must first, if the business is not a corporation, register the name with the city or town in which the business is located. If a corporation, the business must first register the name with the Secretary of State's Office. After registration, all new business names must be filed with the Division. The Division will review the filing to determine whether the name could cause confusion with any existing business. If the Division rejects the name, the permit holder will be notified within ten (10) business days of the filing.
- M. No ~~TNC shall permit a~~ TNC driver shall drive ~~to be connected to its digital network~~ for more than 12 hours ~~in a 24-hour period unless the connection/driving time is broken by a period of eight~~ six full hours ~~of rest. Before allowing a TNC driver to connect to its digital network, a TNC must inquire whether the driver requesting access to the TNC's digital network has driven for another TNC during the last 24 hours and whether the driver has exceeded or will be exceeding his/her maximum allowable hours of TNC service operations.~~
- N. TNCs shall make arrangements for bringing these rules and regulations to the attention of all their drivers and employees.

## **5.6 Transportation Network Company Rate, Charging and Receipt Operating Requirements**

- A. A TNC may charge a fare for the transportation services provided to the passengers; provided that, if the fare is charged, the TNC shall disclose to the riders the fare or fare calculation method on its website or within the digital network.
- B. The TNC shall provide the potential rider with the option to receive a reasonably accurate estimate of the expected total fare before the passenger enters the TNC driver's personal vehicle.
- C. Fares for TNC services shall not be paid in cash. Any payment for TNC services shall be made only electronically using the TNC's digital network or other application.
- D. Within a reasonable period of time following the completion of a TNC service trip, a TNC shall transmit an electronic receipt to the rider that provides the following information:
  - 1. The origin and destination of the trip;
  - 2. The total time and distance of the trip;
  - 3. An itemization of the total fare paid, including any additional surcharges; and

~~4. A notification that warns the rider that there are no insurance protections in place when riding with a TNC driver who is not providing services through a TNC's digital network.~~

- E. All TNCs shall establish and implement a written policy capping dynamic pricing during relevant declared disasters and relevant states of emergency and make this policy available on its website. ~~and in its web application.~~ The policy shall also be filed with the Division at the time the TNC applies for its initial TNC Permit, and re-filed with the Division upon any change/amendment to the policy.

## 5.7 Transportation Network Company Financial Responsibility Requirements

- A. All TNCs and TNC drivers shall fully comply with the financial responsibility requirements contained in R.I. Gen. Laws §§ 39-14.2-14 and 39-14.2-15.
- ~~B. In cases where the vehicle to be used to provide TNC services is owned by and insured through an individual other than the TNC driver, all TNCs must either:~~
- ~~1. Provide financial responsibility coverage designed to provide hold-harmless protections for the vehicle's owner/insured while the vehicle is connected to the TNC's digital network and financial responsibility coverage designed to provide sufficient property damage protections to cover damages sustained to the owner/insured's vehicle while connected to the TNC's digital network, or~~
  - ~~2. Provide written notice to the vehicle's registered owner/insured that clearly explains that the TNC's financial responsibility coverage does not provide such insurance protections when the vehicle is connected to the TNC's digital network or being used to provide TNC services. A sample of this written notice shall be provided to the Division for review and approval.~~

## 5.8. Division Audit Powers

- A. The Division shall have the authority, on an annual basis, to visually inspect a sample of records that the TNC is required to maintain. The inspection shall occur no more than once per year, and the sample shall be no larger than 50 records, chosen randomly by the Division in a time, place, and manner agreeable to both the Division and the TNC. The TNC shall transmit the requested records to the Division within 14 business days of request, via a secure delivery method, which may include use of encryption security.
- B. In response to a criminal complaint against a TNC driver, or upon reasonable suspicion that such driver has intentionally violated ~~a violation of~~ R.I. Gen. Laws Chapter 39-14.2 ~~has occurred~~, the Division is authorized to inspect records held by the TNC that are necessary to complete its investigation.
- C. Any records inspected by the Division shall be held confidential and are not subject to disclosure to a third party without the prior written consent of the TNC. Such records shall also be exempt from disclosure under the Rhode Island Access to Records Act (R.I. Gen. Laws Chapter 38-2).

## 5.9. Penalties

- A. The Division is authorized to fine a TNC or TNC driver for any violation(s) of these rules and regulations or violation of the provisions of R.I. Gen. Laws Chapter 39-14.2,

provided that the Division first schedules a formal hearing to gauge the appropriateness of a fine, and provides a TNC or TNC Driver the opportunity to be heard.

- B. The Division is authorized to suspend or revoke a TNC permit for any intentional or reckless violation of these rules and regulations or violation of the provisions of R.I. Gen. Laws Chapter 39-14.2, upon notice from the Division and the TNC's failure to correct such violation. However, before either a suspension, revocation or denial of the renewal of a Permit, the Division shall first schedule a formal hearing to gauge the appropriateness of a suspension or revocation of a Permit, and provide the TNC the opportunity to be heard.
- C. Repeated or substantial Failure by any TNC or TNC driver to adhere to and comply with any of these rules and/or any applicable state statutes may be grounds for regulatory sanctions. Generally, such sanctions shall be sought and imposed only after a formal hearing on the issue, but the Division reserves the right to impose an immediate suspension of ~~a TNC permit holder's authority to operate as a TNC and/or~~ a TNC driver's authority to drive for a TNC if such an action is necessary to avoid a clear and immediate harm to ~~deemed in~~ the public interest; if such a discretionary action is taken, a formal hearing shall be scheduled as soon as possible to gauge the appropriateness of the immediate suspension and to determine if the suspension shall continue.
- D. Any TNC driver who is the subject of a complaint or disciplinary investigation who fails to appear for a duly noticed hearing at the Division shall be subject to an immediate suspension of his/her TNC driving authority. For repeated failures to appear, such TNC driver shall be subject to a permanent revocation of his/her authority to drive for a TNC.

## 5.10. Complaints

- A. Any person may file a complaint with the Division regarding a violation of these rules and regulations. Upon reasonable suspicion of a reckless or intentional violation, ~~t~~The Division shall also have the authority to conduct investigations sua sponte. Complaints should be in writing and signed by the complainant stating the complainant's address and telephone number and either mailed or hand-delivered to the Division of Public Utilities and Carriers, 89 Jefferson Blvd., Warwick, Rhode Island 02888. Nothing in this rule should be construed to prevent the Division from instituting an investigation or proceeding based upon an oral complaint or upon information developed in any other manner.
  - 1. If the Division determines that the complaint alleges facts which could constitute a violation of these rules and regulations, the Division shall notify in writing the particular TNC driver and/or TNC of the nature of the complaint. A sufficient written answer must be filed by the TNC driver and/or TNC with the Division within ~~ten~~ thirty (~~10~~ 30) calendar days following the date of notice of the complaint. Upon receiving such answer(s), the Division shall notify the complainant of the contents or nature of the answer(s) and shall take whatever action deemed appropriate to resolve the complaint.
  - 2. If the Division determines that the facts as alleged in any complaint are clearly not in violation of these rules and regulations, the complainant shall be so notified and no further action will be taken.
  - 3. However, when the Division finds that a satisfactory response is not made to the notification of a complaint, or when no response is made to a complaint, or when

the facts clearly warrant, a hearing shall be conducted by the Division concerning the complaint. The Division shall send a written notice of hearing to all parties consistent with the manner of notice specified in § 5.11 of his Part.

4. Failure of the ~~TNC and/or~~ TNC driver to appear before the Division for a scheduled hearing may result in a suspension or revocation of ~~the TNC's permit and/or the~~ such TNC driver's authority to drive for a TNC. Failure of the complainant to appear for a scheduled hearing may result in dismissal of the complaint, although the Division reserves the right to pursue the matter without the complainant if it determines such action to be in the public interest.

## 5.11 Notice

- A. The Division shall give notice of the commencement of a scheduled hearing in any pending matter to all parties and to such other persons as the Division designates.
  1. Notice shall be by first-class mail or personal service unless otherwise specified by the Division. The Division shall give at least ~~ten~~ thirty (+30) calendar days' written notice of the hearing unless the hearing officer determines that less notice is reasonable. ~~Nothing herein, however, shall limit the power of the Division to order notice by additional means, including but not limited to notice by publication.~~
  2. Unless information to the contrary has been received by the Division, notices shall be sufficient if mailed or delivered to the following:
    - a. If the addressee is a TNC, the business address on file with the Division pursuant to § 5.5(C) of this Part.
    - b. If the addressee is a TNC driver, the home or mailing address listed on file with the TNC involved in the complaint matter.
    - c. If an attorney has entered an appearance on behalf of the addressee, to the office of the attorney.

## 5.12 Effective Date

These rules are effective as of 0-00-0000. Amendments to these rules shall be effective 20 days from the date they are filed with the Secretary of State's Office.

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# **EXHIBIT B**

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## Safety with Uber

Uber is a smartphone app that gets people from A to B at the push of a button. New technology has enabled Uber to build safety into our service from beginning to end: before a passenger even gets into the car, throughout the journey and after they have reached their destination.

### 24/7 door-to-door service, available 365-days a year

- With Uber, there's no need for people to walk around late at night to find a parked car, search for a taxi or the nearest bus stop. The car comes directly to passengers within minutes, wherever they are in the city.
- Uber helps to reduce drunk driving by providing a reliable, affordable way to get home at night when public transport may be limited. In California, drunk driving related deaths have [fallen by 5%](#) since Uber started.

### Know your driver and their car

- When passengers request a ride with Uber, they see their driver's name, photo and average rating, as well as the licence plate number and make of the vehicle.
- As a result passengers are able to clearly identify the right car before getting in.
- Drivers who use the Uber app undergo a thorough screening process to ensure they are fit to drive passengers around the city.

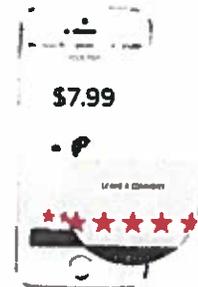


### You're on the map the entire journey

- All Uber rides are GPS-tracked from start to finish. Drivers and passengers know that there is a record of the journey should something happen. This creates accountability, which is lacking in many other forms of transportation, such as the bus, metro or a traditional taxi.
- Passengers can see their route, and the location of their car, in the app throughout the journey. This means they can see that their driver is headed the right way.
- Passengers can share the details of each individual trip in real time, including their route and estimated arrival time, with family or friends.

### Two-way accountability

- Passengers and drivers rate each other after every ride. They can also easily provide feedback via our app. Our safety team reviews this information and suspends rider/driver accounts when anything dangerous or inappropriate is reported. Unsafe drivers or riders are removed permanently from the platform.
- If something happens during a ride, whether it's a traffic accident or a lost purse in a car, our customer support team is ready to help 24/7.
- Uber has the records—route taken, length of journey, driver and rider information—which it can share with law enforcement if necessary. A law enforcement response team is also on call to work with police 24/7.
- We believe that technology can help ensure safety in new ways, including on the road. While a driver is online, we use GPS, accelerometer and gyroscope information from the smartphone to help improve driving behavior. For example, we can inform drivers about indicators of harsh braking, hard acceleration, and speeding as well as send them reminders about the importance of mounting their phone to the dashboard.



### **Driver screenings**

Before a person is allowed to drive with Uber in the United States, we complete a screening process that requires an applicant's full name, date of birth, social security number, driver's license number, a copy of his or her driver's license, vehicle registration, vehicle insurance, and a valid bank account.

To run the screenings, we work with [Checkr](#), a third party background check provider accredited by the [National Association of Professional Background Screeners](#). Checkr runs a social security trace to identify addresses associated with the potential driver, and then checks the potential driver's driving and criminal history in a series of national, state and local databases. These include the US Department of Justice National Sex Offender Public Website, the PACER database, and several databases used to flag suspected terrorists.

Upon identifying a potential criminal record, Checkr sends an individual to review the record in-person at the relevant courthouse or, if possible, pulls the record electronically. These screenings use information that is maintained by national, state and county level authorities, whose processes may vary by jurisdiction. By verifying potential criminal records at the source—the courthouse records—we can help ensure that we are checking the most up-to-date records available.

The purpose of these screenings is to identify offenses and other information that may disqualify potential drivers from using Uber. Our disqualification criteria may vary by jurisdiction according to local laws, and includes major and minor driving violations such as DUI and speeding, as well as convictions for violent, sexual, and driving-related crimes.

## PROPOSED REVISION 1

### 5.4 Transportation Network Company Requirements for TNC Driver Background Checks

- A. Prior to permitting an individual to accept trip requests through its digital network, a TNC shall:
1. Require the individual to submit an application to the TNC that includes the individual's name, address, age, driver's license number, photocopy or electronic copy of the driver's license, motor vehicle registration for the personal vehicle that the individual intends to use to provide prearranged rides, automobile liability insurance policy (with effective dates), and other information as may be required by the TNC. Further, if the individual/applicant is neither an owner of the vehicle to be used to provide TNC services nor an insured under the policy insuring that vehicle, then the individual/applicant must submit written proof from an owner or insured ~~if the vehicle to be used by the individual/applicant is owned by and insured through another individual, the individual submitting the application must provide written authorization from that owner/insured that~~ acknowledges that he/she is aware that their vehicle will be used for TNC services and that he/she has been notified that either the TNC is providing insurance coverage pursuant ~~outlined~~ to § 5.7(B)(1) of this Part or the TNC has chosen to not provide insurance coverage and is notifying the owner/insured pursuant to § 5.7(B)(2) of this Part.

## PROPOSED REVISION 2

### 5.4 Transportation Network Company Requirements for TNC Driver Background Checks

- C. The TNC shall certify to the Division that the applicant has satisfied the aforementioned background check criteria by providing the Division with an electronically-delivered ~~daily~~ "drivers list" on an annual basis that verifies compliance and which provides a unique identifier for each driver, and
1. ~~the driver's full name,~~
  2. ~~the plate number (and state) that will be displayed on the vehicle the driver plans to use to provide TNC services,~~
  3. ~~the driver's license number (and state), and~~
  4. the date on which the driver is authorized to begin providing TNC services. Such records shall be treated by the Division as confidential and shall not be treated as public records.

## PROPOSED REVISION 3

### 5.5 Transportation Network Company Operating Requirements

- M. No ~~TNC shall permit a~~ TNC driver shall drive ~~be connected to its digital network~~ for more than 12 hours ~~in a 24-hour period unless the connection/driving time is broken by a period of eight~~ six full hours ~~of rest. Before allowing a TNC driver to connect to its digital network, a TNC must inquire whether the driver requesting access to the TNC's digital network has driven for another TNC during the last 24 hours and whether the driver has exceeded or will be exceeding his/her maximum allowable hours of TNC service operations.~~