

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ADOPTION OF
RULES RELATED TO REGULATION OF
TRANSPORTATION NETWORK
COMPANIES.

CASE No. 16-122-TR-ORD

ENTRY

Entered in the Journal on April 3, 2019

I. SUMMARY

{¶ 1} The Commission approves proposed rules, as amended, contained in Ohio Adm.Code Chapter 4901:2-23 related to the regulation of transportation network companies.

II. DISCUSSION

{¶ 2} The 131st Ohio General Assembly adopted Amended Substitute House Bill 237 (HB 237) to, in part, amend R.C. 4925.01 through 4925.10. Newly adopted R.C. 4925.02 directed that the Commission may adopt rules under R.C. Chapter 119 for purposes of issuing permits to transportation network companies (TNC). Under R.C. 3942.01, a TNC is any entity operating in Ohio that uses a digital network to connect riders to drivers who provide transportation services in their personal vehicles for a fee. The Commission has opened this docket in order to consider and adopt new rules in conformance with R.C. 4925.02.

{¶ 3} On February 22, 2016, the Commission held a workshop in this proceeding to enable interested stakeholders to offer proposals for Staff's consideration of rules to be adopted as Ohio Adm.Code Chapter 4901:2-23. At the workshop, Staff gave an overview of the rulemaking process and described the rules that Staff was proposing for comment. Several stakeholders spoke at the workshop offering general comments in regard to the rules.

{¶ 4} By Entry issued February 23, 2017, the Commission issued for comment Staff's proposed rules to implement H.B. 237, as proposed Ohio Adm.Code Chapter 4901:2-23. Thereafter, comments were filed by Rasier, LLC, Lyft, Inc., and TechNet.

{¶ 5} On February 21, 2018, after considering all submitted comments, the Commission issued a Finding and Order directing that proposed Ohio Adm.Code Chapter 4901:2-23, as set forth in Attachment A of the Finding and Order, be adopted.

{¶ 6} Subsequently, the proposed rules were filed with the Joint Committee on Agency Rule Review. In accordance with R.C. 119.03, a public hearing was held on February 21, 2019. At the hearing, no comments were submitted. However, other state agencies requested clarification regarding the requirements of proposed Ohio Adm.Code 4901:2-23-03(B). The intention of the proposed revisions is not to change the meaning of the rule, but rather to avoid potential misinterpretation. The suggested revisions to proposed Ohio Adm.Code 4901:2-23-03(B) are below:

4901:2-23-03 Permitting of transportation network companies.

- (A) No transportation network company may operate within this state unless such transportation network company possesses a current and valid permit issued by the commission pursuant to this chapter.
- (B) To obtain a permit from the commission, an applicant must make payment of the application fee, submit a complete and accurate application form containing the affirmations required by section 4925.02 of the Revised Code, and provide the following: the name, address, telephone number and e-mail address of the applicant's Ohio point of contact and ~~registered Ohio~~authorized statutory agent; an explanation of how the ~~TNC~~transportation network company complies with the insurance requirements outlined in R.C. 3942.02 to 3942.04, including ~~if applicable~~a non-expired certificate of insurance if the insurance policy is maintained by the transportation network company rather than the transportation network company driver; and any other information deemed necessary by the commission. Application forms shall be posted on the Commission's website.

{¶ 7} By entry on February 26, 2019, the attorney examiner invited any interested parties to file comments regarding the suggested changes by March 8, 2019. Thereafter, no comments were filed.

{¶ 8} Accordingly, the Commission finds that the changes to proposed Ohio Adm.Code 4901:2-23-03(B) should be adopted.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That proposed Ohio Adm.Code 4901:2-23-03(B), as set forth in Paragraph 6, be approved. It is, further,

{¶ 11} ORDERED, That the proposed Ohio Adm.Code Chapter 4901:2-23 be refiled with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 119.03. It is, further,

{¶ 12} ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:2-23 shall be in compliance with R.C. 106.03. It is, further,

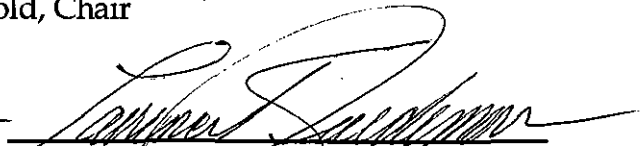
{¶ 13} ORDERED, That a copy of this Finding and Order be served upon Uber, Lyft, Northeast Region TechNet, Ohio Vehicle-for-Hire Safe Industry Practices Association, Professional Independent Agents Association of Ohio, Inc., American Insurance Association, Ohio Insurance Institute, TechNet, FastFingerprints, Demotech, Inc., Ohio Aviation Association, Ohio Association for Justice, Ohio Municipal League, Ohio

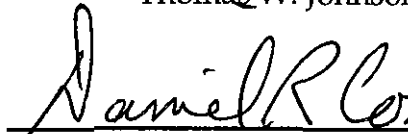
Department of Insurance, Ohio Department of Taxation, Ohio Bureau of Workers Compensation, and the transportation list-serve.


THE PUBLIC UTILITIES COMMISSION OF OHIO


M. Beth Trombold, Chair


Thomas W. Johnson

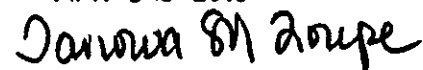

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