

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Andrade offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) and paragraph (b) of subsection
 (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when
 used in this chapter, shall have the meanings respectively
 ascribed to them in this section, except where the context
 otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two
 wheels in the front and one wheel in the back; is equipped with
 a roll cage or roll hoops, a seat belt for each occupant,
~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard

Amendment No.

17 No. 112, a steering mechanism wheel, and seating that does not
18 require the operator to straddle or sit astride it; and is
19 manufactured in accordance with the applicable federal
20 motorcycle safety standards in 49 C.F.R. part 571 by a
21 manufacturer registered with the National Highway Traffic Safety
22 Administration.

23 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
24 device that:

25 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

26
27 A personal delivery device is not considered a vehicle unless
28 expressly defined by law as a vehicle. A mobile carrier is not
29 considered a personal delivery device.

30 Section 2. Subsections (2) and (7) of section 316.2397,
31 Florida Statutes, are amended to read:

32 316.2397 Certain lights prohibited; exceptions.—

33 (2) It is expressly prohibited for any vehicle or
34 equipment, ~~except police vehicles,~~ to show or display blue
35 lights, except that:

36 (a) Police vehicles may show or display blue lights.

37 (b) However, Vehicles owned, operated, or leased by the
38 Department of Corrections or any county correctional agency may
39 show or display blue lights when responding to emergencies.

40 (c) Portable radar speed display units in advance of a
41 work zone area on roadways with a posted speed limit of 55 miles

Amendment No.

42 per hour or more may show or display flashing red and blue
43 lights when workers are present.

44 (7) Flashing lights are prohibited on vehicles except:

45 (a) As a means of indicating a right or left turn, to
46 change lanes, or to indicate that the vehicle is lawfully
47 stopped or disabled upon the highway;

48 (b) When a motorist intermittently flashes his or her
49 vehicle's headlamps at an oncoming vehicle notwithstanding the
50 motorist's intent for doing so;

51 (c) During periods of extreme low visibility on roadways
52 with a posted speed limit of 55 miles per hour or more; and

53 (d)~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
54 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
55 may flash.

56 Section 3. Subsection (4) of section 316.520, Florida
57 Statutes, is amended to read:

58 316.520 Loads on vehicles.—

59 (4) The provision of subsection (2) requiring covering and
60 securing the load with a close-fitting tarpaulin or other
61 appropriate cover does not apply to vehicles carrying
62 agricultural products locally from a harvest site or to or from
63 a farm on roads where the posted speed limit is 65 miles per
64 hour ~~or less and the distance driven on public roads is less~~
65 ~~than 20 miles.~~

66 Section 4. Paragraph (c) is added to subsection (4) of

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

67 section 322.12, Florida Statutes, to read:

68 322.12 Examination of applicants.—

69 (4) The examination for an applicant for a commercial
70 driver license shall include a test of the applicant's eyesight
71 given by a driver license examiner designated by the department
72 or by a licensed ophthalmologist, optometrist, or physician and
73 a test of the applicant's hearing given by a driver license
74 examiner or a licensed physician. The examination shall also
75 include a test of the applicant's ability to read and understand
76 highway signs regulating, warning, and directing traffic; his or
77 her knowledge of the traffic laws of this state pertaining to
78 the class of motor vehicle which he or she is applying to be
79 licensed to operate, including laws regulating driving under the
80 influence of alcohol or controlled substances, driving with an
81 unlawful blood-alcohol level, and driving while intoxicated; his
82 or her knowledge of the effects of alcohol and controlled
83 substances and the dangers of driving a motor vehicle after
84 having consumed alcohol or controlled substances; and his or her
85 knowledge of any special skills, requirements, or precautions
86 necessary for the safe operation of the class of vehicle which
87 he or she is applying to be licensed to operate. In addition,
88 the examination shall include an actual demonstration of the
89 applicant's ability to exercise ordinary and reasonable control
90 in the safe operation of a motor vehicle or combination of
91 vehicles of the type covered by the license classification which

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

92 the applicant is seeking, including an examination of the
93 applicant's ability to perform an inspection of his or her
94 vehicle.

95 (c) Notwithstanding any provision of law to the contrary,
96 the department may waive skill test requirements for a
97 commercial driver license contained in this subsection for
98 persons with military commercial motor vehicle experience who
99 qualify under 49 C.F.R. 383.77, while on active duty or within
100 one year of honorable discharge from military service.

101 Section 5. Section 324.031, Florida Statutes, is amended
102 to read:

103 324.031 Manner of proving financial responsibility.—The
104 owner or operator of a taxicab, limousine, jitney, or any other
105 for-hire passenger transportation vehicle may prove financial
106 responsibility by providing satisfactory evidence of holding a
107 motor vehicle liability policy as defined in s. 324.021(8) or s.
108 324.151, which policy is provided by an insurer authorized to do
109 business in this state ~~issued~~ by an insurance carrier which is a
110 member of the Florida Insurance Guaranty Association or an
111 eligible non-admitted insurer that has a superior, excellent,
112 exceptional, or equivalent financial strength rating by a rating
113 agency acceptable to the Office of Insurance Regulation of the
114 Financial Services Commission. The operator or owner of any
115 other vehicle may prove his or her financial responsibility by:

Amendment No.

116 (1) Furnishing satisfactory evidence of holding a motor
117 vehicle liability policy as defined in ss. 324.021(8) and
118 324.151;

119 (2) Furnishing a certificate of self-insurance showing a
120 deposit of cash in accordance with s. 324.161; or

121 (3) Furnishing a certificate of self-insurance issued by
122 the department in accordance with s. 324.171.

123
124 Any person, including any firm, partnership, association,
125 corporation, or other person, other than a natural person,
126 electing to use the method of proof specified in subsection (2)
127 shall furnish a certificate of deposit equal to the number of
128 vehicles owned times \$30,000, to a maximum of \$120,000; in
129 addition, any such person, other than a natural person, shall
130 maintain insurance providing coverage in excess of limits of
131 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
132 such excess insurance shall provide minimum limits of
133 \$125,000/250,000/50,000 or \$300,000 combined single limits.
134 These increased limits shall not affect the requirements for
135 proving financial responsibility under s. 324.032(1).

136 Section 6. Subsection (2) of section 324.032, Florida
137 Statutes, is amended to read:

138 324.032 Manner of proving financial responsibility; for-
139 hire passenger transportation vehicles.—Notwithstanding the
140 provisions of s. 324.031:

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Published On: 1/27/2020 6:48:38 PM

Amendment No.

141 (2) An owner or a lessee who is required to maintain
142 insurance under s. 324.021(9)(b) and who operates at least 150
143 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
144 passenger transportation vehicles may provide financial
145 responsibility by complying with the provisions of s. 324.171,
146 such compliance to be demonstrated by maintaining at its
147 principal place of business an audited financial statement,
148 prepared in accordance with generally accepted accounting
149 principles, and providing to the department a certification
150 issued by a certified public accountant that the applicant's net
151 worth is at least equal to the requirements of s. 324.171 as
152 determined by the Office of Insurance Regulation of the
153 Financial Services Commission, including claims liabilities in
154 an amount certified as adequate by a Fellow of the Casualty
155 Actuarial Society.

156
157 Upon request by the department, the applicant must provide the
158 department at the applicant's principal place of business in
159 this state access to the applicant's underlying financial
160 information and financial statements that provide the basis of
161 the certified public accountant's certification. The applicant
162 shall reimburse the requesting department for all reasonable
163 costs incurred by it in reviewing the supporting information.
164 The maximum amount of self-insurance permissible under this
165 subsection is \$300,000 and must be stated on a per-occurrence

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

166 basis, and the applicant shall maintain adequate excess
167 insurance issued by an authorized or eligible insurer licensed
168 or approved by the Office of Insurance Regulation. All risks
169 self-insured shall remain with the owner or lessee providing it,
170 and the risks are not transferable to any other person, unless a
171 policy complying with subsection (1) is obtained.

172 Section 7. Subsection (1) of section 327.59, Florida
173 Statutes, is amended and subsection (5) is added to that section
174 to read:

175 327.59 Marina evacuations.—

176 (1) Except as provided in this section ~~After June 1, 1994,~~
177 marinas may not adopt, maintain, or enforce policies pertaining
178 to evacuation of vessels which require vessels to be removed
179 from marinas following the issuance of a hurricane watch or
180 warning, in order to ensure that protecting the lives and safety
181 of vessel owners is placed before interests of protecting
182 property.

183 (5) Upon the issuance of a hurricane watch affecting the
184 waters of marinas located in a deepwater seaport, vessels under
185 500 gross tons may not remain in the waters of such marinas that
186 have been deemed not suitable for refuge during a hurricane.
187 Vessel owners shall promptly remove their vessels from the
188 waterways upon issuance of an evacuation order by the deepwater
189 seaport. In the event U.S. Coast Guard Captain of the Port sets
190 the deepwater seaport condition to Yankee and a vessel owner has

Amendment No.

191 failed to remove a vessel from the waterway, the marina owner,
192 operator, employee or agent, regardless of existing contractual
193 provisions between the marina owner and vessel owner, shall
194 remove the vessel, or cause it to be removed, if reasonable,
195 from its slip and may charge the vessel owner a reasonable fee
196 for any such services rendered. A marina owner, operator,
197 employee or agent shall not be held liable for any damage
198 incurred to a vessel from hurricanes and is held harmless as a
199 result of such actions to remove the vessel from the waterways.
200 Nothing in this section, may be construed to provide immunity to
201 a marina owner, operator, employee or agent for any damage
202 caused by intentional acts or negligence when removing a vessels
203 as permitted under this section. After the hurricane watch has
204 been issued, the owner or operator of any vessel that has not
205 been removed from the waterway of the marina, pursuant to an
206 order from the deepwater seaport, may be subject to the
207 penalties under s. 313.22(3).

208 Section 8. Subsection (1) of section 337.14, Florida
209 Statutes, is amended to read:

210 337.14 Application for qualification; certificate of
211 qualification; restrictions; request for hearing.—

212 (1) Any contractor desiring to bid for the performance of
213 any construction contract in excess of \$250,000 which the
214 department proposes to let must first be certified by the
215 department as qualified pursuant to this section and rules of

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

216 the department. The rules of the department must address the
217 qualification of contractors to bid on construction contracts in
218 excess of \$250,000 and must include requirements with respect to
219 the equipment, past record, experience, financial resources, and
220 organizational personnel of the applying contractor which are
221 necessary to perform the specific class of work for which the
222 contractor seeks certification. Any contractor who desires to
223 bid on contracts in excess of \$50 million and is not qualified
224 and in good standing with the department as of January 1, 2019,
225 must first be certified by the department as qualified and
226 ~~desires to bid on contracts in excess of \$50 million~~ must have
227 satisfactorily completed two projects, each in excess of \$15
228 million, for the department or for any other state department of
229 transportation. The department may limit the dollar amount of
230 any contract upon which a contractor is qualified to bid or the
231 aggregate total dollar volume of contracts such contractor is
232 allowed to have under contract at any one time. Each applying
233 contractor seeking qualification to bid on construction
234 contracts in excess of \$250,000 shall furnish the department a
235 statement under oath, on such forms as the department may
236 prescribe, setting forth detailed information as required on the
237 application. Each application for certification must be
238 accompanied by audited financial statements prepared in
239 accordance with United States generally accepted accounting
240 principles and United States generally accepted auditing

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

241 standards by a certified public accountant licensed by this
242 state or another state ~~the latest annual financial statement of~~
243 ~~the applying contractor completed within the last 12 months. The~~
244 audited financial statements must be for the applying contractor
245 specifically and must have been prepared within the immediately
246 preceding 12 months. The department may not consider any
247 financial information relating to the parent entity of the
248 applying contractor, if any. The department shall not certify as
249 qualified any applying contractor that fails to submit the
250 audited financial statements required by this subsection. If the
251 application or the annual financial statement shows the
252 financial condition of the applying contractor more than 4
253 months before ~~prior to~~ the date on which the application is
254 received by the department, the applying contractor must also
255 submit interim audited financial statements prepared in
256 accordance with United States generally accepted accounting
257 principles and United States generally accepted auditing
258 standards by a certified public accountant licensed by this
259 state or another state ~~an interim financial statement and an~~
260 ~~updated application must be submitted.~~ The interim financial
261 statements ~~statement~~ must cover the period from the end date of
262 the annual statement and must show the financial condition of
263 the applying contractor no more than 4 months before ~~prior to~~
264 the date that the interim financial statements are ~~statement is~~
265 received by the department. However, upon the request of the

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

266 applying contractor, an application and accompanying annual or
267 interim financial statements ~~statement~~ received by the
268 department within 15 days after either 4-month period under this
269 subsection shall be considered timely. ~~Each required annual or~~
270 ~~interim financial statement must be audited and accompanied by~~
271 ~~the opinion of a certified public accountant.~~ An applying
272 contractor desiring to bid exclusively for the performance of
273 construction contracts with proposed budget estimates of less
274 than \$1 million may submit reviewed annual or reviewed interim
275 financial statements prepared by a certified public accountant.
276 The information required by this subsection is confidential and
277 exempt from s. 119.07(1). The department shall act upon the
278 application for qualification within 30 days after the
279 department determines that the application is complete. The
280 department may waive the requirements of this subsection for
281 projects having a contract price of \$500,000 or less if the
282 department determines that the project is of a noncritical
283 nature and the waiver will not endanger public health, safety,
284 or property.

285 Section 9. Present paragraphs (b), (e) and (g), of
286 subsection (1), subsection (2), paragraph (b) of subsection (7),
287 and paragraph (a) of subsection (15) of Section 627.748, Florida
288 Statutes, are amended and new subsection (15) is added to read:

289 627.748 Transportation network companies.—

290 (1) DEFINITIONS.—As used in this section, the term:

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

291 (b) "Prearranged ride" means the provision of
292 transportation by a TNC driver to a rider, beginning when a TNC
293 driver accepts a ride requested by a rider through a digital
294 network controlled by a transportation network company,
295 continuing while the TNC driver transports the rider, and ending
296 when the last rider exits from and is no longer occupying the
297 TNC vehicle. The term does not include a taxicab, ~~for-hire~~
298 ~~vehicle~~, or street hail service and does not include ridesharing
299 as defined in s. 341.031, carpool as defined in s. 450.28, or
300 any other type of service in which the driver receives a fee
301 that does not exceed the driver's cost to provide the ride.

302 (e) "Transportation network company" or "TNC" means an
303 entity operating in this state pursuant to this section using a
304 digital network to connect a rider to a TNC driver, who provides
305 prearranged rides. A TNC is not deemed to own, control, operate,
306 direct, or manage the TNC vehicles or TNC drivers that connect
307 to its digital network, except where agreed to by written
308 contract, and is not a taxicab association ~~or for-hire vehicle~~
309 ~~owner~~. An individual, corporation, partnership, sole
310 proprietorship, or other entity that arranges medical
311 transportation for individuals qualifying for Medicaid or
312 Medicare pursuant to a contract with the state or a managed care
313 organization is not a TNC. This section does not prohibit a TNC
314 from providing prearranged rides to individuals who qualify for
315 Medicaid or Medicare if it meets the requirements of this

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

316 section.

317 (g) "Transportation network company vehicle" or "TNC
318 vehicle" means a vehicle that is not a taxicab, jitney, or
319 limousine, ~~or for-hire vehicle as defined in s. 320.01(15)~~ and
320 that is:

321 1. Used by a TNC driver to offer or provide a prearranged
322 ride; and

323 2. Owned, leased, or otherwise authorized to be used by
324 the TNC driver.

325

326 Notwithstanding any other provision of law, a vehicle that is
327 let or rented to another for consideration may be used as a TNC
328 vehicle.

329 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
330 common carrier, contract carrier, or motor carrier and does not
331 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
332 driver is not required to register the vehicle that the TNC
333 driver uses to provide prearranged rides as a commercial motor
334 vehicle or ~~a for-hire vehicle~~.

335 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
336 INSURANCE REQUIREMENTS.—

337 (b) The following automobile insurance requirements apply
338 while a participating TNC driver is logged on to the digital
339 network but is not engaged in a prearranged ride:

340 1. Automobile insurance that provides:

Amendment No.

341 a. A primary automobile liability coverage of at least
342 \$50,000 for death and bodily injury per person, \$100,000 for
343 death and bodily injury per incident, and \$25,000 for property
344 damage;

345 b. Personal injury protection benefits that meet the
346 minimum coverage amounts required under ss. 627.730-627.7405;
347 and

348 c. Uninsured and underinsured vehicle coverage as required
349 by s. 627.727.

350 2. The coverage requirements of this paragraph may be
351 satisfied by any of the following:

352 a. Automobile insurance maintained by the TNC driver or
353 the TNC vehicle owner;

354 b. Automobile insurance maintained by the TNC; or

355 c. A combination of sub-subparagraphs a. and b.

356 (c) The following automobile insurance requirements apply
357 while a TNC driver is engaged in a prearranged ride:

358 1. Automobile insurance that provides:

359 a. A primary automobile liability coverage of at least \$1
360 million for death, bodily injury, and property damage;

361 b. Personal injury protection benefits that meet the
362 minimum coverage amounts required of a limousine under ss.
363 627.730-627.7405; and

364 c. Uninsured and underinsured vehicle coverage as required
365 by s. 627.727.

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

366 2. The coverage requirements of this paragraph may be
367 satisfied by any of the following:

368 a. Automobile insurance maintained by the TNC driver or
369 the TNC vehicle owner;

370 b. Automobile insurance maintained by the TNC; or

371 c. A combination of sub-subparagraphs a. and b.

372 (15) DISABILITY ACCESSIBLE TRANSPORTATION NETWORK
373 COMPANIES.-

374 (a) As used in this subsection, the terms:

375 1. "Disability accessible transportation network company"
376 or "disability accessible TNC" means a company that:

377 a. Meets the requirements of paragraph (b); and

378 b. Notwithstanding other provisions of this section, uses
379 a digital network to connect riders to drivers who operate
380 disability accessible vehicles.

381 2. "Disability accessible vehicle" means a for-hire
382 vehicle as defined in s. 320.01(15), which meets or exceeds the
383 requirements of the Americans with Disabilities Act.

384 (b) An entity may elect, upon written notification to the
385 department, to be regulated as a disability accessible TNC. A
386 disability accessible TNC must:

387 1. Comply with all of the requirements of this section
388 applicable to a TNC, including subsection (16), that do not
389 conflict with subparagraph 2., or that prohibit the company from
390 connecting riders to drivers who operate for-hire vehicles as

Amendment No.

391 defined in s. 320.01(15), including disability accessible
392 vehicles.

393 2. Maintain insurance coverage required in this section
394 when the disability accessible TNC driver is logged on to a
395 digital network or while the disability accessible TNC driver is
396 engaged in a prearranged ride. However, a prospective disability
397 accessible TNC that satisfies minimum financial responsibility
398 at the time of written notification to the department through
399 compliance with s. 324.032(2) by using self-insurance may
400 continue to use self-insurance to satisfy the requirements of
401 this subparagraph.

402 (16)(15) PREEMPTION.-

403 (a) It is the intent of the Legislature to provide for
404 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
405 vehicles, and disability accessible TNCs, disability accessible
406 TNC drivers, and disability accessible TNC vehicles throughout
407 the state. TNCs, TNC drivers, ~~and~~ TNC vehicles, disability
408 accessible TNCs, disability accessible TNC drivers, and
409 disability accessible TNC vehicles are governed exclusively by
410 state law, including in any locality or other jurisdiction that
411 enacted a law or created rules governing TNCs, TNC drivers, ~~or~~
412 TNC vehicles, disability accessible TNCs, disability accessible
413 TNC drivers, and disability accessible TNC vehicles before July
414 1, 2017. A county, municipality, special district, airport
415 authority, port authority, or other local governmental entity or

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

Amendment No.

416 subdivision may not:

417 1. Impose a tax on, or require a license for, a TNC, a TNC
418 driver, ~~or~~ a TNC vehicle, disability accessible TNCs, disability
419 accessible TNC drivers, or disability accessible TNC vehicles if
420 such tax or license relates to providing prearranged rides;

421 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle,
422 disability accessible TNCs, disability accessible TNC drivers,
423 or disability accessible TNC vehicles to any rate, entry,
424 operation, or other requirement of the county, municipality,
425 special district, airport authority, port authority, or other
426 local governmental entity or subdivision; or

427 3. Require a TNC ~~or~~ a TNC driver, a disability accessible
428 TNC, or a disability accessible TNC driver to obtain a business
429 license or any other type of similar authorization to operate
430 within the local governmental entity's jurisdiction.

431 Section 10. This act shall take effect July 1, 2020.

432

433

434

435

T I T L E A M E N D M E N T

436

Remove everything before the enacting clause and insert:

437

An act relating to transportation; amending s. 316.003, F.S.;

438

revising definitions; amending s. 316.2397, F.S.; authorizing

439

certain vehicles to show or display certain lights under certain

440

circumstances; amending s. 316.520, F.S.; removing the distance

Amendment No.

441 limit of specified vehicles not being required to secure
442 agricultural products; amending s. 322.12, F.S.; authorizing the
443 Department of Highway Safety and Motor Vehicles to waive
444 commercial motor vehicle testing requirements for specified
445 persons if certain conditions are met; amending ss. 324.031 and
446 324.032, F.S.; revising the manner of providing financial
447 responsibility for owners, operators, or lessees of certain for-
448 hire passenger transportation vehicles; amending s. 327.59,
449 F.S.; prohibiting vessels under a specified weight from
450 remaining in certain marinas that have deemed unsuitable for
451 refuge during a hurricane; authorizes removal of specified
452 vessels under certain circumstances; provides limits of
453 liability; provides for certain immunities; providing for
454 penalties; amending s. 337.14, F.S.; requiring certain
455 contractors to be certified by the department as qualified;
456 revising the financial statements required to accompany an
457 application for certification; prohibiting the department from
458 considering certain financial information; requiring the
459 contractor to submit interim financial statements under certain
460 circumstances; providing requirements for such statements;
461 amending s. 627.748, F.S.; revising and providing definitions;
462 deleting for-hire vehicles from the list of vehicles not
463 considered TNC carriers; revising automobile insurance
464 requirements for TNCs and TNC drivers; authorizing entities to
465 be regulated as disability accessible TNCS; providing

263101 - h0395-Strike.docx

Published On: 1/27/2020 6:48:38 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 395 (2020)

Amendment No.

466 requirements; providing that disability accessible TNCs,
467 disability accessible TNC drivers, and disability accessible TNC
468 vehicles are governed by state law; providing an effective date.