



Reprinted  
April 10, 2015

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# ENGROSSED HOUSE BILL No. 1278

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DIGEST OF HB 1278 (Updated April 9, 2015 2:20 pm - DI 97)

**Citations Affected:** IC 8-2.1; IC 9-19; IC 22-3; IC 22-4; IC 36-9.

**Synopsis:** Transportation networks. Requires a transportation network company to have a permit issued by the Indiana department of state revenue to provide a digital network for connection to prearranged rides in Indiana. Establishes permitting requirements.

**Effective:** July 1, 2015.

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## Lehman, Austin, Hale, Soliday

(SENATE SPONSORS — YODER, HERSHMAN, RANDOLPH)

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January 22, 2015, read first time and referred to Committee on Roads and Transportation.  
January 29, 2015, reported — Do Pass.  
February 2, 2015, read second time, ordered engrossed. Engrossed.  
February 3, 2015, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Insurance & Financial Institutions.  
April 2, 2015, amended, reported favorably — Do Pass.  
April 9, 2015, read second time, amended, ordered engrossed.

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EH 1278—LS 7028/DI 97





Reprinted  
April 10, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1278

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A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-2.1-17-6.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. "Digital network" means an**  
4 **online enabled application, software, website, or system offered or**  
5 **used by a TNC to enable the prearrangement of rides with TNC**  
6 **drivers.**
- 7 SECTION 2. IC 8-2.1-17-11.2 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2015]: **Sec. 11.2. "Motor vehicle insurance"**  
10 **means any type of insurance described in IC 27-1-5-1, Class 2(f).**
- 11 SECTION 3. IC 8-2.1-17-13.2 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2015]: **Sec. 13.2. "Personal vehicle" means**  
14 **a vehicle that is:**  
15 (1) **used by a TNC driver to provide a prearranged ride;**

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- 1           **(2) owned, leased, or otherwise authorized for use by the TNC**  
 2           **driver; and**  
 3           **(3) not a taxicab, limousine, or other for hire vehicle.**  
 4           SECTION 4. IC 8-2.1-17-13.5 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. (a) "Prearranged ride"**  
 7 **means the provision of transportation by a TNC driver to a TNC**  
 8 **rider:**  
 9           **(1) beginning when the TNC driver accepts a TNC rider's**  
 10 **request for a ride through a digital network controlled by a**  
 11 **TNC;**  
 12           **(2) continuing while the TNC driver transports the requesting**  
 13 **TNC rider; and**  
 14           **(3) ending when the last requesting TNC rider departs from**  
 15 **the personal vehicle.**  
 16           **(b) The term "prearranged ride" does not include**  
 17 **transportation provided through any of the following:**  
 18           **(1) A shared expense carpool or vanpool arrangement.**  
 19           **(2) Use of a taxicab, limousine, or other for hire vehicle.**  
 20           **(3) A regional transportation authority established under**  
 21 **IC 36-9-3.**  
 22           SECTION 5. IC 8-2.1-17-16 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. "Taxicab" means**  
 24 **a motor vehicle that:**  
 25           **(1) is designed and constructed to accommodate and transport not**  
 26 **more than six (6) passengers in addition to the driver;**  
 27           **(2) does not operate over any definite and designated routes**  
 28 **within the corporate boundaries of a city or town and the**  
 29 **suburban territory of a city or town; and**  
 30           **(3) transports passengers to the destination designated by the**  
 31 **passengers at the time of their transportation.**  
 32           **The term does not include a personal vehicle operated by a TNC**  
 33 **driver.**  
 34           SECTION 6. IC 8-2.1-17-18 IS ADDED TO THE INDIANA CODE  
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 2015]: **Sec. 18. "Transportation network company" or "TNC"**  
 37 **means an entity that:**  
 38           **(1) does business in Indiana; and**  
 39           **(2) uses a digital network to connect TNC riders to TNC**  
 40 **drivers to request prearranged rides.**  
 41           **Except as otherwise provided in a written contract, a TNC is not**  
 42 **considered to control, direct, or manage a personal vehicle or a**



1 **TNC driver who connects to the TNC's digital network.**

2 SECTION 7. IC 8-2.1-17-19 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2015]: **Sec. 19. "TNC driver" means an individual who:**

5 **(1) receives:**

6 **(A) connections to potential TNC riders; and**

7 **(B) related services;**

8 **from a TNC in exchange for payment of a fee to the TNC; and**

9 **(2) uses a personal vehicle to offer or provide prearranged  
10 rides to TNC riders:**

11 **(A) upon connection through a digital network controlled  
12 by the TNC; and**

13 **(B) in exchange for compensation or payment of a fee.**

14 SECTION 8. IC 8-2.1-17-20 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2015]: **Sec. 20. "TNC rider" means an individual who uses a  
17 TNC's digital network to connect with a TNC driver who provides  
18 to the individual a prearranged ride;**

19 **(1) in the TNC driver's personal vehicle; and**

20 **(2) between points chosen by the individual.**

21 SECTION 9. IC 8-2.1-19-3 IS ADDED TO THE INDIANA CODE  
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2015]: **Sec. 3. This chapter does not apply to a personal vehicle  
24 operated by a TNC driver.**

25 SECTION 10. IC 8-2.1-19.1 IS ADDED TO THE INDIANA CODE  
26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2015]:

28 **Chapter 19.1. Transportation Network Companies**

29 **Sec. 1. (a) A transportation network company may not operate  
30 in Indiana without a permit issued under section 3 of this chapter.**

31 **(b) A permit is valid for one (1) year after the date of issuance.**

32 **Sec. 2. A TNC or a TNC driver is not:**

33 **(1) a common carrier;**

34 **(2) a contract carrier; or**

35 **(3) a motor carrier.**

36 **Sec. 3. The department shall issue a permit to a TNC that  
37 satisfies the following requirements:**

38 **(1) Establishes a zero tolerance policy for drug and alcohol  
39 use under section 5 of this chapter.**

40 **(2) Requires compliance with applicable vehicle requirements  
41 under section 6 of this chapter.**

42 **(3) Imposes motor vehicle insurance requirements that meet**



1 or exceed the requirements under section 7 of this chapter.

2 (4) Establishes fare guidelines under section 12 of this  
3 chapter.

4 (5) Establishes a privacy policy under section 13 of this  
5 chapter.

6 (6) Adopts nondiscrimination and accessibility policies under  
7 section 14 of this chapter.

8 (7) Establishes record maintenance guidelines under section  
9 15 of this chapter.

10 Sec. 4. (a) Before a TNC allows an individual to act as a TNC  
11 driver on the TNC's digital network, the TNC shall:

12 (1) require the individual to submit to the TNC an application  
13 that includes:

14 (A) the individual's name, address, and age;

15 (B) a copy of the individual's driver's license;

16 (C) a copy of the certificate of registration for the personal  
17 vehicle that the individual will use to provide prearranged  
18 rides;

19 (D) proof of financial responsibility for the personal  
20 vehicle described in clause (C) of a type and in the amounts  
21 required by the TNC; and

22 (E) any other information required by the TNC;

23 (2) with respect to the individual, conduct, or contract with a  
24 third party to conduct:

25 (A) a local and national criminal background check; and

26 (B) a search of the national sex offender registry; and

27 (3) obtain a copy of the individual's driving record maintained  
28 under IC 9-14-3-7.

29 (b) A TNC may not knowingly allow to act as a TNC driver on  
30 the TNC's digital network an individual:

31 (1) who has received judgments for:

32 (A) more than three (3) moving traffic violations; or

33 (B) at least one (1) violation involving reckless driving or  
34 driving on a suspended or revoked license;

35 in the preceding three (3) years;

36 (2) who has been convicted of a:

37 (A) felony; or

38 (B) misdemeanor involving:

39 (i) resisting law enforcement;

40 (ii) dishonesty;

41 (iii) injury to a person;

42 (iv) operating while intoxicated;



- 1 (v) operating a vehicle in a manner that endangers a  
 2 person;  
 3 (vi) operating a vehicle with a suspended or revoked  
 4 license; or  
 5 (vii) damage to the property of another person;  
 6 in the preceding seven (7) years;  
 7 (3) who is a match in the national sex offender registry;  
 8 (4) who is unable to provide information required under  
 9 subsection (a); or  
 10 (5) who is less than nineteen (19) years of age.

11 **Sec. 5. (a) A TNC shall establish and enforce a zero tolerance**  
 12 **policy for drug and alcohol use by TNC drivers during any period**  
 13 **when a TNC driver is engaged in, or is logged into the TNC's**  
 14 **digital network but is not engaged in, a prearranged ride. The**  
 15 **policy must include provisions for:**

- 16 (1) investigations of alleged policy violations; and  
 17 (2) suspensions of TNC drivers under investigation.  
 18 (b) A TNC shall publish on the TNC's digital network:  
 19 (1) the policy established under subsection (a); and  
 20 (2) the procedure by which a TNC rider may report a  
 21 violation of the policy by a TNC driver.

22 **Sec. 6. (a) A TNC must require that a personal vehicle used to**  
 23 **provide prearranged rides must comply with all applicable laws**  
 24 **and regulations concerning vehicle equipment.**

- 25 (b) A TNC is not considered to own, control, operate, or manage  
 26 a personal vehicle used by a TNC driver to provide prearranged  
 27 rides.

28 **Sec. 7. (a) Not later than July 15, 2015, a TNC driver, or a TNC**  
 29 **on the TNC driver's behalf, shall maintain primary motor vehicle**  
 30 **insurance that meets the following requirements:**

- 31 (1) The motor vehicle insurance is issued:  
 32 (A) by an insurance company that holds a certificate of  
 33 authority to do insurance business in Indiana under  
 34 IC 27-1-3-20; or  
 35 (B) through a surplus lines producer licensed under  
 36 IC 27-1-15.8.  
 37 (2) The language of the motor vehicle insurance policy:  
 38 (A) recognizes that the driver is a TNC driver or otherwise  
 39 uses the personal vehicle to transport passengers for  
 40 compensation; and  
 41 (B) covers the driver while the driver is:  
 42 (i) logged on to the TNC's digital network; or



- 1 (ii) engaged in a prearranged ride.
- 2 (3) The motor vehicle insurance must meet the following
- 3 coverage requirements while a TNC driver is logged on to the
- 4 TNC's digital network, but is not engaged in a prearranged
- 5 ride:
- 6 (A) Primary motor vehicle liability insurance in an amount
- 7 equal to at least:
- 8 (i) fifty thousand dollars (\$50,000) per person for death
- 9 and bodily injury;
- 10 (ii) one hundred thousand dollars (\$100,000) per incident
- 11 for death and bodily injury; and
- 12 (iii) twenty-five thousand dollars (\$25,000) per incident
- 13 for property damage;
- 14 (B) The insurance required by clause (A) may be provided
- 15 by any of the following:
- 16 (i) Motor vehicle insurance maintained by the TNC
- 17 driver.
- 18 (ii) Motor vehicle insurance maintained by the TNC.
- 19 (iii) Motor vehicle insurance maintained by any
- 20 combination of items (i) and (ii).
- 21 (4) The motor vehicle insurance must meet the following
- 22 coverage requirements while a TNC driver is engaged in a
- 23 prearranged ride:
- 24 (A) Primary motor vehicle liability insurance in an amount
- 25 equal to at least one million dollars (\$1,000,000) per
- 26 incident for death, bodily injury, and property damage.
- 27 (B) The insurance required by clause (A) may be provided
- 28 by any of the following:
- 29 (i) Motor vehicle insurance maintained by the TNC
- 30 driver.
- 31 (ii) Motor vehicle insurance maintained by the TNC.
- 32 (iii) Motor vehicle insurance maintained by any
- 33 combination of items (i) and (ii).
- 34 (b) If motor vehicle insurance maintained by a TNC driver as
- 35 described in subsection (a) lapses or does not provide the required
- 36 coverage:
- 37 (1) motor vehicle insurance maintained by the TNC must
- 38 provide the required coverage beginning with the first dollar
- 39 of a claim; and
- 40 (2) the insurance company that issues the motor vehicle
- 41 insurance described in subdivision (1) has a duty to defend the
- 42 claim described in subdivision (1).





1 (c) Coverage under motor vehicle insurance maintained by a  
 2 TNC may not be dependent on a personal motor vehicle insurance  
 3 company's first denying a claim for coverage under a personal  
 4 motor vehicle insurance policy, nor may a personal motor vehicle  
 5 insurance company be required to first deny a claim.

6 (d) A motor vehicle insurance policy that meets the coverage  
 7 requirements of subsection (a) satisfies the financial responsibility  
 8 requirement of IC 9-25 while the driver of the personal vehicle is:

9 (A) logged on to the TNC's digital network; or

10 (B) engaged in a prearranged ride.

11 (e) A TNC driver shall do the following:

12 (1) At all times during which the TNC driver uses a personal  
 13 vehicle in connection with a TNC's digital network, carry  
 14 proof of the coverage required by subsection (a).

15 (2) In the event of an accident, upon request, provide to  
 16 directly interested parties, motor vehicle insurance  
 17 companies, and investigating law enforcement officers:

18 (A) the proof described in subdivision (1); and

19 (B) a disclosure of whether the TNC driver was:

20 (i) logged on to the TNC's digital network; or

21 (ii) engaged in a prearranged ride;

22 at the time of the accident.

23 Information provided under this subdivision may be provided  
 24 in electronic form under IC 27-1-43-3, as applicable.

25 Sec. 8. A TNC shall, before the TNC allows a TNC driver to  
 26 accept a request for a prearranged ride on the TNC's digital  
 27 network, disclose in writing to the TNC driver all the following:

28 (1) The motor vehicle insurance coverage, including the types  
 29 of coverage and limits of liability for each type of coverage,  
 30 that the TNC provides while the TNC driver uses a personal  
 31 vehicle in connection with a TNC's digital network.

32 (2) That the terms of the TNC driver's own motor vehicle  
 33 insurance policy may not provide coverage while the TNC  
 34 driver is:

35 (A) logged on to the TNC's digital network; or

36 (B) engaged in a prearranged ride.

37 Sec. 9. (a) An insurance company that writes motor vehicle  
 38 insurance in Indiana may exclude coverage under a motor vehicle  
 39 insurance policy issued to an owner or operator of a personal  
 40 vehicle for a loss or injury that occurs while the driver is:

41 (1) logged on to a TNC's digital network; or

42 (2) engaged in a prearranged ride.



1 (b) An exclusion described in subsection (a) includes any  
 2 coverage included in a motor vehicle insurance policy, including  
 3 the following:

- 4 (1) Liability coverage for death, bodily injury, and property  
 5 damage.  
 6 (2) Uninsured and underinsured motorist coverage.  
 7 (3) Medical payments coverage.  
 8 (4) Comprehensive physical damage coverage.  
 9 (5) Collision physical damage coverage.

10 (c) An exclusion described in this section applies  
 11 notwithstanding any requirement of IC 9-25.

12 (d) This chapter does not do either of the following:

- 13 (1) Require a personal motor vehicle insurance policy to  
 14 provide coverage while the driver is:  
 15 (A) logged on to a TNC's digital network;  
 16 (B) engaged in a prearranged ride; or  
 17 (C) otherwise using a personal vehicle to transport  
 18 passengers for compensation.  
 19 (2) Preclude an insurance company from providing the  
 20 coverage described in subdivision (1) under a contract or an  
 21 endorsement.

22 Sec. 10. (a) An insurance company that excludes coverage  
 23 described in section 9 of this chapter has no duty to defend or  
 24 indemnify a claim expressly excluded under a motor vehicle  
 25 insurance policy.

26 (b) This chapter does not invalidate or limit an exclusion:

- 27 (1) of coverage for a personal vehicle that is:  
 28 (A) used to carry an individual or property for a charge;  
 29 or  
 30 (B) available for hire by the public; and  
 31 (2) contained in a motor vehicle insurance policy;

32 including a policy filed under IC 27-1-22-4 or in use in Indiana  
 33 before July 1, 2015.

34 (c) An insurance company that defends or indemnifies a claim  
 35 against a TNC driver for which coverage is excluded under the  
 36 terms of a motor vehicle insurance policy has a right of  
 37 contribution against any other insurance company that issues  
 38 motor vehicle insurance coverage to the TNC driver:

- 39 (1) in satisfaction of the requirements of section 7 of this  
 40 chapter; and  
 41 (2) in effect at the time the loss occurs.

42 Sec. 11. In a claim coverage investigation, a TNC and an



1 insurance company that issues a motor vehicle insurance policy  
 2 potentially providing the coverage required by section 7 of this  
 3 chapter shall cooperate to facilitate the exchange of information  
 4 with directly involved parties and any insurance company that  
 5 issues a motor vehicle insurance policy that provides coverage to  
 6 the TNC driver, including:

7 (1) the precise time that a TNC driver logs on to and off of the  
 8 TNC's digital network during the twelve (12) hour period  
 9 immediately preceding, and the twelve (12) hour period  
 10 immediately following, the accident; and

11 (2) disclosure among the parties and insurance companies of  
 12 a clear description of the insurance coverage, exclusions, and  
 13 limitations that apply under any applicable motor vehicle  
 14 insurance policy that:

15 (A) is issued or maintained by a party; and

16 (B) provides the coverage required by section 7 of this  
 17 chapter.

18 **Sec. 12. (a)** A TNC shall establish guidelines under which a TNC  
 19 may charge a fare for prearranged rides. The guidelines must  
 20 require the following:

21 (1) Disclosure of the fare calculation method on the TNC's  
 22 digital network.

23 (2) Publication to TNC riders of applicable rates at the time  
 24 of service.

25 (3) Providing a TNC rider the option to receive an estimated  
 26 fare before the TNC rider enters a personal vehicle operated  
 27 by a TNC driver.

28 (4) Payment of a fare only by electronic means using the  
 29 TNC's digital network.

30 (b) A TNC driver may not solicit or accept cash payments from  
 31 TNC riders.

32 **Sec. 13. (a)** A TNC shall establish a privacy policy to protect the  
 33 personal identifying information of a TNC rider.

34 (b) A policy established under subsection (a) shall prohibit the  
 35 disclosure of a TNC rider's personal identifying information  
 36 unless:

37 (1) the TNC rider consents in writing to the disclosure;

38 (2) the disclosure is required under law; or

39 (3) the disclosure is necessary to:

40 (A) protect or defend; or

41 (B) investigate violations of;

42 the terms of use of prearranged rides.



1 (c) A policy established under subsection (a) may authorize the  
 2 disclosure of a TNC rider's name and telephone number by a TNC  
 3 to a TNC driver to facilitate the provision of prearranged rides by  
 4 the TNC driver to the TNC rider.

5 Sec. 14. (a) A TNC shall adopt policies concerning  
 6 nondiscrimination and accessibility that comply with state and  
 7 federal law.

8 (b) A TNC may not impose an additional charge on or a  
 9 different fare schedule for a TNC rider who is an individual with  
 10 a disability.

11 (c) At the time a TNC rider requests a prearranged ride through  
 12 a TNC's digital network, the TNC shall provide the TNC rider an  
 13 opportunity to indicate whether the TNC rider requires a vehicle  
 14 that is wheelchair accessible. If the TNC is unable to make  
 15 available a vehicle that is wheelchair accessible, the TNC shall  
 16 inform the TNC rider of an alternative service that is wheelchair  
 17 accessible.

18 Sec. 15. A TNC shall establish record maintenance guidelines  
 19 that require the following:

20 (1) Records related to the enforcement of a zero tolerance  
 21 policy established under section 5(a) of this chapter must be  
 22 maintained for at least two (2) years following the date on  
 23 which a TNC rider reports a violation of the policy.

24 (2) Individual trip records must be maintained for at least one  
 25 (1) year from the date of each trip.

26 (3) Records related to a TNC driver must be maintained for  
 27 at least one (1) year following the date on which a TNC driver  
 28 is no longer permitted to act as a TNC driver on the TNC's  
 29 digital network.

30 Sec. 16. At the time a TNC rider arranges with a TNC for a  
 31 prearranged ride, the TNC shall display on the TNC's digital  
 32 network:

33 (1) a digital photograph of the TNC driver; and

34 (2) the license plate number of the personal vehicle;

35 that will be used to provide a prearranged ride to the TNC rider.

36 Sec. 17. Within a reasonable time after a TNC driver provides  
 37 a prearranged ride to a TNC rider, the TNC shall transmit to the  
 38 TNC rider an electronic receipt that includes the following  
 39 information:

40 (1) The origin and destination of the trip.

41 (2) The total duration and distance of the trip.

42 (3) An itemization of the total fare.



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**Sec. 18. A TNC or a TNC driver may not solicit or accept street hails.**

**Sec. A 19. person that violates this chapter commits a Class A infraction.**

SECTION 11. IC 9-19-11-1, AS AMENDED BY P.L.24-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- (3) An ambulance.
- (4) A public passenger bus.
- (5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
- (6) An antique motor vehicle.
- (7) A motorcycle.
- (8) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
- (9) A motor vehicle that is being used in an emergency.
- (10) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
  - (A) a funeral procession;
  - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
  - (C) both the funeral procession and return trip.
- (11) A motor vehicle used to provide prearranged rides (as defined in IC 8-2.1-17-13.5).**

SECTION 12. IC 22-3-2-9, AS AMENDED BY P.L.201-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) IC 22-3-2 through IC 22-3-6 shall not apply to:

- (1) casual laborers (as defined in IC 22-3-6-1);
- (2) farm or agricultural employees;
- (3) household employees; ~~or~~
- (4) a person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis; ~~or~~
- (5) an individual acting as a TNC driver (as defined in**



- 1           **IC 8-2.1-17-19) as provided in IC 8-2.1-19.1.**  
 2           IC 22-3-2 through IC 22-3-6 do not apply to the employers or  
 3           contractors of the persons listed in this subsection.  
 4           (b) An employer who is exempt under this section from the  
 5           operation of the compensation provisions of this chapter may at any  
 6           time waive such exemption and thereby accept the provisions of this  
 7           chapter by giving notice as provided in subsection (c).  
 8           (c) The notice of acceptance referred to in subsection (b) shall be  
 9           given thirty (30) days prior to any accident resulting in injury or death,  
 10          provided that if any such injury occurred less than thirty (30) days after  
 11          the date of employment, notice of acceptance given at the time of  
 12          employment shall be sufficient notice thereof. The notice shall be in  
 13          writing or print in a substantial form prescribed by the worker's  
 14          compensation board and shall be given by the employer by posting the  
 15          same in a conspicuous place in the plant, shop, office, room, or place  
 16          where the employee is employed, or by serving it personally upon the  
 17          employee; and shall be given by the employee by sending the same in  
 18          registered letter addressed to the employer at the employer's last known  
 19          residence or place of business, or by giving it personally to the  
 20          employer, or any of the employer's agents upon whom a summons in  
 21          civil actions may be served under the laws of the state.  
 22          (d) A copy of the notice in prescribed form shall also be filed with  
 23          the worker's compensation board, within five (5) days after its service  
 24          in such manner upon the employee or employer.  
 25          SECTION 13. IC 22-3-7-2, AS AMENDED BY P.L.134-2006,  
 26          SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27          JULY 1, 2015]: Sec. 2. (a) Every employer and every employee, except  
 28          as stated in this chapter, shall comply with this chapter, requiring the  
 29          employer and employee to pay and accept compensation for  
 30          disablement or death by occupational disease arising out of and in the  
 31          course of the employment, and shall be bound thereby. The burden of  
 32          proof is on the employee. The proof by the employee of an element of  
 33          a claim does not create a presumption in favor of the employee with  
 34          regard to another element of the claim.  
 35          (b) This chapter does not apply to the following:  
 36                (1) A person who enters into an independent contractor agreement  
 37                with a nonprofit corporation that is recognized as tax exempt  
 38                under Section 501(c)(3) of the Internal Revenue Code (as defined  
 39                in IC 6-3-1-11(a)) to perform youth coaching services on a  
 40                part-time basis.  
 41                (2) A nonprofit corporation that is recognized as tax exempt under  
 42                Section 501(c)(3) of the Internal Revenue Code (as defined in



1 IC 6-3-1-11(a)) to the extent the corporation enters into an  
 2 independent contractor agreement with a person for the  
 3 performance of youth coaching services on a part-time basis.

4 **(3) An individual acting as a TNC driver (as defined in**  
 5 **IC 8-2.1-17-19) as provided in IC 8-2.1-19.1.**

6 **(4) A transportation network company (as defined in**  
 7 **IC 8-2.1-17-18) to the extent the transportation network**  
 8 **company allows an individual to act as a TNC driver on the**  
 9 **transportation network company's digital network as**  
 10 **provided in IC 8-2.1-19.1.**

11 (c) This chapter does not apply to employees of municipal  
 12 corporations in Indiana who are members of:

13 (1) the fire department or police department of any such  
 14 municipality; and

15 (2) a firefighters' pension fund or a police officers' pension fund.

16 However, if the common council elects to purchase and procure  
 17 worker's occupational disease insurance to insure said employees with  
 18 respect to medical benefits under this chapter, the medical provisions  
 19 apply to members of the fire department or police department of any  
 20 such municipal corporation who are also members of a firefighters'  
 21 pension fund or a police officers' pension fund.

22 (d) When any municipal corporation purchases or procures worker's  
 23 occupational disease insurance covering members of the fire  
 24 department or police department who are also members of a  
 25 firefighters' pension fund or a police officers' pension fund and pays the  
 26 premium or premiums for the insurance, the payment of the premiums  
 27 is a legal and allowable expenditure of funds of any municipal  
 28 corporation.

29 (e) Except as provided in subsection (f), where the common council  
 30 has procured worker's occupational disease insurance as provided  
 31 under this section, any member of the fire department or police  
 32 department employed in the city carrying the worker's occupational  
 33 disease insurance under this section is limited to recovery of medical  
 34 and surgical care, medicines, laboratory, curative and palliative agents  
 35 and means, x-ray, diagnostic and therapeutic services to the extent that  
 36 the services are provided for in the worker's occupational disease  
 37 policy so procured by the city, and may not also recover in addition to  
 38 that policy for the same benefits provided in IC 36-8-4.

39 (f) If the medical benefits provided under a worker's occupational  
 40 disease policy procured by the common council terminate for any  
 41 reason before the police officer or firefighter is fully recovered, the  
 42 common council shall provide medical benefits that are necessary until



1 the police officer or firefighter is no longer in need of medical care.

2 (g) Nothing in this section affects the rights and liabilities of  
3 employees and employers had by them prior to April 1, 1963, under  
4 this chapter.

5 SECTION 14. IC 22-4-8-3, AS AMENDED BY P.L.2-2007,  
6 SECTION 292, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2015]: Sec. 3. "Employment" shall not include  
8 the following:

9 (1) Except as provided in section 2(i) of this chapter, service  
10 performed prior to January 1, 1978, in the employ of this state,  
11 any other state, any town or city, or political subdivision, or any  
12 instrumentality of any of them, other than service performed in  
13 the employ of a municipally owned public utility as defined in this  
14 article; or service performed in the employ of the United States of  
15 America, or an instrumentality of the United States immune under  
16 the Constitution of the United States from the contributions  
17 imposed by this article, except that to the extent that the Congress  
18 of the United States shall permit states to require any  
19 instrumentalities of the United States to make payments into an  
20 unemployment fund under a state unemployment compensation  
21 statute, all of the provisions of this article shall be applicable to  
22 such instrumentalities, in the same manner, to the same extent,  
23 and on the same terms as to all other employers, employing units,  
24 individuals, and services. However, if this state shall not be  
25 certified for any year by the Secretary of Labor under Section  
26 3304 of the Internal Revenue Code the payments required of such  
27 instrumentalities with respect to such year shall be refunded by  
28 the commissioner from the fund in the same manner and within  
29 the same period as is provided in IC 22-4-32-19 with respect to  
30 contribution erroneously paid or wrongfully assessed.

31 (2) Service with respect to which unemployment compensation is  
32 payable under an unemployment compensation system  
33 established by an Act of Congress; however, the department is  
34 authorized to enter into agreements with the proper agencies  
35 under such Act of Congress which agreements shall become  
36 effective ten (10) days after publication thereof, in accordance  
37 with rules adopted by the department under IC 4-22-2, to provide  
38 reciprocal treatment to individuals who have, after acquiring  
39 potential rights to benefits under this article, acquired rights to  
40 unemployment compensation under such Act of Congress, or who  
41 have, after having acquired potential rights to unemployment  
42 compensation under such Act of Congress, acquired rights to





1 benefits under this article.

2 (3) "Agricultural labor" as provided in section 2(l)(1) of this  
3 chapter shall include only services performed:

4 (A) on a farm, in the employ of any person, in connection with  
5 cultivating the soil or in connection with raising or harvesting  
6 any agricultural or horticultural commodity, including the  
7 raising, shearing, feeding, caring for, training, and  
8 management of livestock, bees, poultry, and furbearing  
9 animals and wildlife;

10 (B) in the employ of the owner or tenant or other operator of  
11 a farm, in connection with the operation, management,  
12 conservation, improvement, or maintenance of such farm and  
13 its tools and equipment, or in salvaging timber or clearing land  
14 of brush and other debris left by a hurricane, if the major part  
15 of such service is performed on a farm;

16 (C) in connection with the production or harvesting of any  
17 commodity defined as an agricultural commodity in Section  
18 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g))  
19 as amended, or in connection with the operation or  
20 maintenance of ditches, canals, reservoirs, or waterways, not  
21 owned or operated for profit, used exclusively for supplying  
22 and storing water for farming purposes;

23 (D) in the employ of:

24 (i) the operator of a farm in handling, planting, drying,  
25 packing, packaging, processing, freezing, grading, storing,  
26 or delivering to storage or to market or to a carrier for  
27 transportation to market, in its unmanufactured state, any  
28 agricultural or horticultural commodity; but only if such  
29 operator produced more than one-half (1/2) of the  
30 commodity with respect to which such service is performed;  
31 or

32 (ii) a group of operators of farms (or a cooperative  
33 organization of which such operators are members) in the  
34 performance of service described in item (i), but only if such  
35 operators produce more than one-half (1/2) of the  
36 commodity with respect to which such service is performed;  
37 except the provisions of items (i) and (ii) shall not be deemed  
38 to be applicable with respect to service performed in  
39 connection with commercial canning or commercial freezing  
40 or in connection with any agricultural or horticultural  
41 commodity after its delivery to a terminal market for  
42 distribution for consumption; or



- 1 (E) on a farm operated for profit if such service is not in the  
 2 course of the employer's trade or business or is domestic  
 3 service in a private home of the employer.
- 4 (4) As used in subdivision (3), "farm" includes stock, dairy,  
 5 poultry, fruit, furbearing animals, and truck farms, nurseries,  
 6 orchards, greenhouses, or other similar structures used primarily  
 7 for the raising of agricultural or horticultural commodities.
- 8 (5) Domestic service in a private home, local college club, or  
 9 local chapter of a college fraternity or sorority, except as provided  
 10 in section 2(m) of this chapter.
- 11 (6) Service performed on or in connection with a vessel or aircraft  
 12 not an American vessel or American aircraft, if the employee is  
 13 employed on and in connection with such vessel or aircraft when  
 14 outside the United States.
- 15 (7) Service performed by an individual in the employ of child or  
 16 spouse, and service performed by a child under the age of  
 17 twenty-one (21) in the employ of a parent.
- 18 (8) Service not in the course of the employing unit's trade or  
 19 business performed in any calendar quarter by an individual,  
 20 unless the cash remuneration paid for such service is fifty dollars  
 21 (\$50) or more and such service is performed by an individual who  
 22 is regularly employed by such employing unit to perform such  
 23 service. For the purposes of this subdivision, an individual shall  
 24 be deemed to be regularly employed to perform service not in the  
 25 course of an employing unit's trade or business during a calendar  
 26 quarter only if:
- 27 (A) on each of some of twenty-four (24) days during such  
 28 quarter such individual performs such service for some portion  
 29 of the day; or
- 30 (B) such individual was regularly employed (as determined  
 31 under clause (A)) by such employing unit in the performance  
 32 of such service during the preceding calendar quarter.
- 33 (9) Service performed by an individual in any calendar quarter in  
 34 the employ of any organization exempt from income tax under  
 35 Section 501 of the Internal Revenue Code (except those services  
 36 included in sections 2(i) and 2(j) of this chapter if the  
 37 remuneration for such service is less than fifty dollars (\$50)).
- 38 (10) Service performed in the employ of a hospital, if such service  
 39 is performed by a patient of such hospital.
- 40 (11) Service performed in the employ of a school or eligible  
 41 postsecondary educational institution if the service is performed:  
 42 (A) by a student who is enrolled and is regularly attending



- 1 classes at the school or eligible postsecondary educational  
 2 institution; or  
 3 (B) by the spouse of such a student, if such spouse is advised,  
 4 at the time such spouse commences to perform such service,  
 5 that:
- 6 (i) the employment of such spouse to perform such service  
 7 is provided under a program to provide financial assistance  
 8 to such student by the school or eligible postsecondary  
 9 educational institution; and
  - 10 (ii) such employment will not be covered by any program of  
 11 unemployment insurance.
- 12 (12) Service performed by an individual who is enrolled at a  
 13 nonprofit or public educational institution which normally  
 14 maintains a regular faculty and curriculum and normally has a  
 15 regularly organized body of students in attendance at the place  
 16 where its educational activities are carried on as a student in a  
 17 full-time program, taken for credit at such institution, which  
 18 combines academic instruction with work experience, if such  
 19 service is an integral part of such program, and such institution  
 20 has so certified to the employer, except that this subdivision shall  
 21 not apply to service performed in a program established for or on  
 22 behalf of an employer or group of employers.
- 23 (13) Service performed in the employ of a government foreign to  
 24 the United States of America, including service as a consular or  
 25 other officer or employee or a nondiplomatic representative.
- 26 (14) Service performed in the employ of an instrumentality  
 27 wholly owned by a government foreign to that of the United  
 28 States of America, if the service is of a character similar to that  
 29 performed in foreign countries by employees of the United States  
 30 of America or of an instrumentality thereof, and if the board finds  
 31 that the Secretary of State of the United States has certified to the  
 32 Secretary of the Treasury of the United States that the  
 33 government, foreign to the United States, with respect to whose  
 34 instrumentality exemption is claimed, grants an equivalent  
 35 exemption with respect to similar service performed in such  
 36 country by employees of the United States and of  
 37 instrumentalities thereof.
- 38 (15) Service performed as a student nurse in the employ of a  
 39 hospital or nurses' training school by an individual who is  
 40 enrolled and is regularly attending classes in a nurses' training  
 41 school chartered or approved pursuant to state law; and service  
 42 performed as an intern in the employ of a hospital by an



- 1 individual who has completed a four (4) year course in a medical  
2 school chartered or approved pursuant to state law.
- 3 (16) Service performed by an individual as an insurance producer  
4 or as an insurance solicitor, if all such service performed by such  
5 individual is performed for remuneration solely by way of  
6 commission.
- 7 (17) Service performed by an individual:
- 8 (A) under the age of eighteen (18) in the delivery or  
9 distribution of newspapers or shopping news, not including  
10 delivery or distribution to any point for subsequent delivery or  
11 distribution; or
- 12 (B) in, and at the time of, the sale of newspapers or magazines  
13 to ultimate consumers, under an arrangement under which the  
14 newspapers or magazines are to be sold by the individual at a  
15 fixed price, the individual's compensation being based on the  
16 retention of the excess of such price over the amount at which  
17 the newspapers or magazines are charged to the individual,  
18 whether or not the individual is guaranteed a minimum amount  
19 of compensation for such service, or is entitled to be credited  
20 with the unsold newspapers or magazines turned back.
- 21 (18) Service performed in the employ of an international  
22 organization.
- 23 (19) Except as provided in IC 22-4-7-1, services covered by an  
24 election duly approved by the agency charged with the  
25 administration of any other state or federal unemployment  
26 compensation law in accordance with an arrangement pursuant to  
27 IC 22-4-22-1 through IC 22-4-22-5, during the effective period of  
28 such election.
- 29 (20) If the service performed during one-half (1/2) or more of any  
30 pay period by an individual for an employing unit constitutes  
31 employment, all the services of such individual for such period  
32 shall be deemed to be employment; but if the services performed  
33 during more than one-half (1/2) of any pay period by such an  
34 individual do not constitute employment, then none of the  
35 services of such individual for such period shall be deemed to be  
36 employment. As used in this subsection, "pay period" means a  
37 period of not more than thirty-one (31) consecutive days for  
38 which a payment of remuneration is ordinarily made to the  
39 individual by the employing unit. This subsection shall not be  
40 applicable with respect to services performed in a pay period by  
41 any such individual where any such service is excepted by  
42 subdivision (2).



- 1 (21) Service performed by an inmate of a custodial or penal
- 2 institution.
- 3 (22) Service performed as a precinct election officer (as defined
- 4 in IC 3-5-2-40.1).
- 5 **(23) Service provided by an individual acting as a TNC driver**
- 6 **(as defined in IC 8-2.1-17-19) as provided in IC 8-2.1-19.1.**
- 7 SECTION 15. IC 36-9-2-4 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a) Except as**
- 9 **provided in subsection (b),** a unit may regulate the services offered by
- 10 persons who hold out for public hire the use of vehicles. This includes
- 11 the power to fix the price to be charged for that service.
- 12 **(b) A unit may not regulate the following:**
- 13 **(1) A transportation network company (as defined in**
- 14 **IC 8-2.1-17-18).**
- 15 **(2) A TNC driver (as defined in IC 8-2.1-17-19).**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1278 as introduced.)

SOLIDAY

Committee Vote: Yeas 13, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred House Bill No. 1278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 1. IC 8-2.1-17-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. "Digital network" mean an online enabled application, software, website, or system offered or used by a TNC to enable the prearrangement of rides with TNC drivers.**"

Page 1, line 8, delete "Sec. 2. As used in this chapter, "motor", begin a new paragraph and insert:

"SECTION 2. IC 8-2.1-17-11.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.2. "Motor"**.

Page 1, delete lines 10 through 15, begin a new paragraph and insert:

"SECTION 3. IC 8-2.1-17-13.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.2. "Personal vehicle" means a vehicle that is:**

- (1) used by a TNC driver to provide a prearranged ride;
- (2) owned, leased, or otherwise authorized for use by the TNC driver; and
- (3) not a taxicab, limousine, or other for hire vehicle.

SECTION 4. IC 8-2.1-17-13.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. "Prearranged ride" means the provision of transportation by a TNC driver to a TNC rider:**

- (1) beginning when the TNC driver accepts a TNC rider's request for a ride through a digital network controlled by a TNC;**
- (2) continuing while the TNC driver transports the requesting TNC rider; and**
- (3) ending when the last requesting TNC rider departs from the personal vehicle.**

**The term does not include transportation provided through use of a taxicab, limousine, or other for hire vehicle.**

SECTION 5. IC 8-2.1-17-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. "Taxicab" means a motor vehicle that:**

- (1) is designed and constructed to accommodate and transport not more than six (6) passengers in addition to the driver;**
- (2) does not operate over any definite and designated routes within the corporate boundaries of a city or town and the suburban territory of a city or town; and**
- (3) transports passengers to the destination designated by the passengers at the time of their transportation.**

**The term does not include a personal vehicle operated by a TNC driver."**

Page 2, delete lines 1 through 5, begin a new paragraph and insert:

**"SECTION 6. IC 8-2.1-17-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. "Transportation network company" or "TNC" means an entity that:"**

Page 2, delete lines 7 through 42, begin a new line block indented and insert:

- "(2) uses a digital network to connect TNC riders to TNC drivers to request prearranged rides.**

**Except as otherwise provided in a written contract, a TNC is not considered to control, direct, or manage a personal vehicle or a TNC driver who connects to the TNC's digital network.**

SECTION 7. IC 8-2.1-17-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. "TNC driver" means an individual who:**

- (1) receives:**
  - (A) connections to potential TNC riders; and**
  - (B) related services;**



from a TNC in exchange for payment of a fee to the TNC; and  
 (2) uses a personal vehicle to offer or provide prearranged rides to TNC riders:

(A) upon connection through a digital network controlled by the TNC; and

(B) in exchange for compensation or payment of a fee.

SECTION 8. IC 8-2.1-17-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 20. "TNC rider" means an individual who uses a TNC's digital network to connect with a TNC driver who provides to the individual a prearranged ride;**

(1) in the TNC driver's personal vehicle; and

(2) between points chosen by the individual.

SECTION 9. IC 8-2.1-19-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3. This chapter does not apply to a personal vehicle operated by a TNC driver.**

SECTION 10. IC 8-2.1-19.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 19.1. Transportation Network Companies**

**Sec. 1. (a) A transportation network company may not operate in Indiana without a permit issued under section 3 of this chapter.**

**(b) The fee for a permit is five thousand dollars (\$5,000).**

**(c) A permit is valid for one (1) year after the date of issuance.**

**Sec. 2. A TNC or a TNC driver is not:**

(1) a common carrier;

(2) a contract carrier; or

(3) a motor carrier.

**Sec. 3. The department shall issue a permit to a TNC that:**

(1) pays the fee under section 1(b) of this chapter; and

(2) satisfies the following requirements:

(A) Establishes a zero tolerance policy for drug and alcohol use under section 5 of this chapter.

(B) Requires compliance with applicable vehicle requirements under section 6 of this chapter.

(C) Imposes motor vehicle insurance requirements that meet or exceed the requirements under section 7 of this chapter.

(D) Establishes fare guidelines under section 12 of this chapter.

(E) Establishes a privacy policy under section 13 of this





chapter.

(F) Adopts nondiscrimination and accessibility policies under section 14 of this chapter.

(G) Establishes record maintenance guidelines under section 15 of this chapter.

**Sec. 4. (a) Before a TNC allows an individual to act as a TNC driver on the TNC's digital network, the TNC shall:**

**(1) require the individual to submit to the TNC an application that includes:**

**(A) the individual's name, address, and age;**

**(B) a copy of the individual's driver's license;**

**(C) a copy of the certificate of registration for the personal vehicle that the individual will use to provide prearranged rides;**

**(D) proof of financial responsibility for the personal vehicle described in clause (C) of a type and in the amounts required by the TNC; and**

**(E) any other information required by the TNC;**

**(2) with respect to the individual, conduct, or contract with a third party to conduct:**

**(A) a local and national criminal background check; and**

**(B) a search of the national sex offender registry; and**

**(3) obtain a copy of the individual's driving record maintained under IC 9-14-3-7.**

**(b) A TNC may not allow to act as a TNC driver on the TNC's digital network an individual:**

**(1) who has been convicted of more than one (1) traffic violation in the three (3) preceding years;**

**(2) against whom a judgment has been entered for more than three (3) traffic violations in the preceding three (3) years;**

**(3) who has been convicted of a felony in the seven (7) preceding years;**

**(4) who is a match in the national sex offender registry;**

**(5) who is unable to provide information required under subsection (a); or**

**(6) who is less than nineteen (19) years of age.**

**Sec. 5. (a) A TNC shall establish and enforce a zero tolerance policy for drug and alcohol use by TNC drivers during any period when a TNC driver is engaged in, or is logged into the TNC's digital network but is not engaged in, a prearranged ride. The policy must include provisions for:**

**(1) investigations of alleged policy violations; and**



- (2) suspensions of TNC drivers under investigation.
- (b) A TNC shall publish on the TNC's digital network:
  - (1) the policy established under subsection (a); and
  - (2) the procedure by which a TNC rider may report a violation of the policy by a TNC driver.

**Sec. 6. (a)** A TNC must require that a personal vehicle used to provide prearranged rides must comply with all applicable laws and regulations concerning vehicle equipment.

**(b)** A TNC is not considered to own, control, operate, or manage a personal vehicle used by a TNC driver to provide prearranged rides.

**Sec. 7. (a)** Not later than July 15, 2015, a TNC driver, or a TNC on the TNC driver's behalf, shall maintain primary motor vehicle insurance that meets the following requirements:

- (1) The motor vehicle insurance is issued:
  - (A) by an insurance company that holds a certificate of authority to do insurance business in Indiana under IC 27-1-3-20; or
  - (B) through a surplus lines producer licensed under IC 27-1-15.8.
- (2) The language of the motor vehicle insurance policy:
  - (A) recognizes that the driver is a TNC driver or otherwise uses the personal vehicle to transport passengers for compensation; and
  - (B) covers the driver while the driver is:
    - (i) logged on to the TNC's digital network; or
    - (ii) engaged in a prearranged ride.
- (3) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is logged on to the TNC's digital network, but is not engaged in a prearranged ride:
  - (A) Primary motor vehicle liability insurance in an amount equal to at least:
    - (i) fifty thousand dollars (\$50,000) per person for death and bodily injury;
    - (ii) one hundred thousand dollars (\$100,000) per incident for death and bodily injury; and
    - (iii) twenty-five thousand dollars (\$25,000) per incident for property damage;
  - (B) The insurance required by clause (A) may be provided by any of the following:
    - (i) Motor vehicle insurance maintained by the TNC



driver.

(ii) Motor vehicle insurance maintained by the TNC.

(iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).

(4) The motor vehicle insurance must meet the following coverage requirements while a TNC driver is engaged in a prearranged ride:

(A) Primary motor vehicle liability insurance in an amount equal to at least one million dollars (\$1,000,000) per incident for death, bodily injury, and property damage.

(B) The insurance required by clause (A) may be provided by any of the following:

(i) Motor vehicle insurance maintained by the TNC driver.

(ii) Motor vehicle insurance maintained by the TNC.

(iii) Motor vehicle insurance maintained by any combination of items (i) and (ii).

(b) If motor vehicle insurance maintained by a TNC driver as described in subsection (a) lapses or does not provide the required coverage:

(1) motor vehicle insurance maintained by the TNC must provide the required coverage beginning with the first dollar of a claim; and

(2) the insurance company that issues the motor vehicle insurance described in subdivision (1) has a duty to defend the claim described in subdivision (1).

(c) Coverage under motor vehicle insurance maintained by a TNC may not be dependent on a personal motor vehicle insurance company's first denying a claim for coverage under a personal motor vehicle insurance policy, nor may a personal motor vehicle insurance company be required to first deny a claim.

(d) A motor vehicle insurance policy that meets the coverage requirements of subsection (a) satisfies the financial responsibility requirement of IC 9-25 while the driver of the personal vehicle is:

(A) logged on to the TNC's digital network; or

(B) engaged in a prearranged ride.

(e) A TNC driver shall do the following:

(1) At all times during which the TNC driver uses a personal vehicle in connection with a TNC's digital network, carry proof of the coverage required by subsection (a).

(2) In the event of an accident, upon request, provide to directly interested parties, motor vehicle insurance



companies, and investigating law enforcement officers:

- (A) the proof described in subdivision (1); and
  - (B) a disclosure of whether the TNC driver was:
    - (i) logged on to the TNC's digital network; or
    - (ii) engaged in a prearranged ride;
- at the time of the accident.

Information provided under this subdivision may be provided in electronic form under IC 27-1-43-3, as applicable.

**Sec. 8.** A TNC shall, before the TNC allows a TNC driver to accept a request for a prearranged ride on the TNC's digital network, disclose in writing to the TNC driver all the following:

- (1) The motor vehicle insurance coverage, including the types of coverage and limits of liability for each type of coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.
- (2) That the terms of the TNC driver's own motor vehicle insurance policy may not provide coverage while the TNC driver is:

- (A) logged on to the TNC's digital network; or
- (B) engaged in a prearranged ride.

**Sec. 9.** (a) An insurance company that writes motor vehicle insurance in Indiana may exclude coverage under a motor vehicle insurance policy issued to an owner or operator of a personal vehicle for a loss or injury that occurs while the driver is:

- (1) logged on to a TNC's digital network; or
- (2) engaged in a prearranged ride.

(b) An exclusion described in subsection (a) includes any coverage included in a motor vehicle insurance policy, including the following:

- (1) Liability coverage for death, bodily injury, and property damage.
- (2) Uninsured and underinsured motorist coverage.
- (3) Medical payments coverage.
- (4) Comprehensive physical damage coverage.
- (5) Collision physical damage coverage.

(c) An exclusion described in this section applies notwithstanding any requirement of IC 9-25.

(d) This chapter does not do either of the following:

- (1) Require a personal motor vehicle insurance policy to provide coverage while the driver is:
  - (A) logged on to a TNC's digital network;
  - (B) engaged in a prearranged ride; or



(C) otherwise using a personal vehicle to transport passengers for compensation.

(2) Preclude an insurance company from providing the coverage described in subdivision (1) under a contract or an endorsement.

**Sec. 10. (a)** An insurance company that excludes coverage described in section 9 of this chapter has no duty to defend or indemnify a claim expressly excluded under a motor vehicle insurance policy.

(b) This chapter does not invalidate or limit an exclusion:

(1) of coverage for a personal vehicle that is:

(A) used to carry an individual or property for a charge;  
or

(B) available for hire by the public; and

(2) contained in a motor vehicle insurance policy;

including a policy filed under IC 27-1-22-4 or in use in Indiana before July 1, 2015.

(c) An insurance company that defends or indemnifies a claim against a TNC driver for which coverage is excluded under the terms of a motor vehicle insurance policy has a right of contribution against any other insurance company that issues motor vehicle insurance coverage to the TNC driver:

(1) in satisfaction of the requirements of section 7 of this chapter; and

(2) in effect at the time the loss occurs.

**Sec. 11.** In a claim coverage investigation, a TNC and an insurance company that issues a motor vehicle insurance policy potentially providing the coverage required by section 7 of this chapter shall cooperate to facilitate the exchange of information with directly involved parties and any insurance company that issues a motor vehicle insurance policy that provides coverage to the TNC driver, including:

(1) the precise time that a TNC driver logs on to and off of the TNC's digital network during the twelve (12) hour period immediately preceding, and the twelve (12) hour period immediately following, the accident; and

(2) disclosure among the parties and insurance companies of a clear description of the insurance coverage, exclusions, and limitations that apply under any applicable motor vehicle insurance policy that:

(A) is issued or maintained by a party; and

(B) provides the coverage required by section 7 of this



**chapter.**

**Sec. 12. (a) A TNC shall establish guidelines under which a TNC may charge a fare for prearranged rides. The guidelines must require the following:**

- (1) Disclosure of the fare calculation method on the TNC's digital network.**
- (2) Publication to TNC riders of applicable rates at the time of service.**
- (3) Providing a TNC rider the option to receive an estimated fare before the TNC rider enters a personal vehicle operated by a TNC driver.**
- (4) Payment of a fare only by electronic means using the TNC's digital network.**

**(b) A TNC driver may not solicit or accept cash payments from TNC riders.**

**Sec. 13. (a) A TNC shall establish a privacy policy to protect the personal identifying information of a TNC rider.**

**(b) A policy established under subsection (a) shall prohibit the disclosure of a TNC rider's personal identifying information unless:**

- (1) the TNC rider consents in writing to the disclosure;**
- (2) the disclosure is required under law; or**
- (3) the disclosure is necessary to:**
  - (A) protect or defend; or**
  - (B) investigate violations of;**

**the terms of use of prearranged rides.**

**(c) A policy established under subsection (a) may authorize the disclosure of a TNC rider's name and telephone number by a TNC to a TNC driver to facilitate the provision of prearranged rides by the TNC driver to the TNC rider.**

**Sec. 14. (a) A TNC shall adopt policies concerning nondiscrimination and accessibility that comply with state and federal law.**

**(b) A TNC may not impose an additional charge on or a different fare schedule for a TNC rider who is an individual with a disability.**

**(c) At the time a TNC rider requests a prearranged ride through a TNC's digital network, the TNC shall provide the TNC rider an opportunity to indicate whether the TNC rider requires a vehicle that is wheelchair accessible. If the TNC is unable to make available a vehicle that is wheelchair accessible, the TNC shall inform the TNC rider of an alternative service that is wheelchair**



accessible.

(d) The department may impose, as an additional penalty to any other penalty imposed under this chapter, a penalty not to exceed ten thousand dollars (\$10,000) on a person who violates this section. The penalty shall be deposited in the accessible transportation fund established by section 19 of this chapter.

**Sec. 15.** A TNC shall establish record maintenance guidelines that require the following:

- (1) Records related to the enforcement of a zero tolerance policy established under section 5(a) of this chapter must be maintained for at least two (2) years following the date on which a TNC rider reports a violation of the policy.
- (2) Individual trip records must be maintained for at least one (1) year from the date of each trip.
- (3) Records related to a TNC driver must be maintained for at least one (1) year following the date on which a TNC driver is no longer permitted to act as a TNC driver on the TNC's digital network.

**Sec. 16.** At the time a TNC rider arranges with a TNC for a prearranged ride, the TNC shall display on the TNC's digital network:

- (1) a digital photograph of the TNC driver; and
- (2) the license plate number of the personal vehicle;

that will be used to provide a prearranged ride to the TNC rider.

**Sec. 17.** Within a reasonable time after a TNC driver provides a prearranged ride to a TNC rider, the TNC shall transmit to the TNC rider an electronic receipt that includes the following information:

- (1) The origin and destination of the trip.
- (2) The total duration and distance of the trip.
- (3) An itemization of the total fare.

**Sec. 18.** A TNC or a TNC driver may not solicit or accept street hails.

**Sec. 19. (a)** The accessible transportation fund is established to provide grants to TNCs or TNC drivers that provide accessible prearranged rides that comply with applicable state and federal requirements.

- (b) The department shall administer the fund.
- (c) The fund consists of the following:
  - (1) Penalties deposited in the fund under section 14 of this chapter.
  - (2) Money deposited in the fund from any other source.



**(d) The expenses of administering the fund shall be paid from money in the fund.**

**(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**Sec. 20. A person that violates this chapter commits a Class A infraction.**

SECTION 11. IC 9-19-11-1, AS AMENDED BY P.L.24-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- (3) An ambulance.
- (4) A public passenger bus.
- (5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
- (6) An antique motor vehicle.
- (7) A motorcycle.
- (8) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
- (9) A motor vehicle that is being used in an emergency.
- (10) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
  - (A) a funeral procession;
  - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
  - (C) both the funeral procession and return trip.

**(11) A motor vehicle used to provide prearranged rides (as defined in IC 8-2.1-17-13.5).**

SECTION 12. IC 36-9-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a) Except as provided in subsection (b),** a unit may regulate the services offered by persons who hold out for public hire the use of vehicles. This includes the power to fix the price to be charged for that service.

**(b) A unit may not regulate the following:**

- (1) A transportation network company (as defined in





**IC 8-2.1-17-18).**

**(2) A TNC driver (as defined in IC 8-2.1-17-19)."**

Delete pages 3 through 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1278 as printed January 30, 2015.)

HOLDMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1278 be amended to read as follows:

Page 1, line 3, delete "mean" and insert "**means**".

Page 2, line 6, after "13.5." insert "**(a)**".

Page 2, delete lines 15 through 16, begin a new paragraph and insert:

**"(b) The term "prearranged ride" does not include transportation provided through any of the following:**

**(1) A shared expense carpool or vanpool arrangement.**

**(2) Use of a taxicab, limousine, or other for hire vehicle.**

**(3) A regional transportation authority established under IC 36-9-3."**

Page 3, delete line 26.

Page 3, line 27, delete "(c)" and insert "**(b)**".

Page 3, line 32, delete ":" and insert "**satisfies the following requirements:**

**(1) Establishes a zero tolerance policy for drug and alcohol use under section 5 of this chapter.**

**(2) Requires compliance with applicable vehicle requirements under section 6 of this chapter.**

**(3) Imposes motor vehicle insurance requirements that meet or exceed the requirements under section 7 of this chapter.**

**(4) Establishes fare guidelines under section 12 of this chapter.**

**(5) Establishes a privacy policy under section 13 of this chapter.**

**(6) Adopts nondiscrimination and accessibility policies under section 14 of this chapter.**



**(7) Establishes record maintenance guidelines under section 15 of this chapter."**

Page 3, delete lines 33 through 42.

Page 4, delete lines 1 through 7.

Page 4, line 27, after "not" insert "**knowingly**".

Page 4, delete lines 29 through 34, begin a new line block indented and insert:

**"(1) who has received judgments for:**

**(A) more than three (3) moving traffic violations; or**

**(B) at least one (1) violation involving reckless driving or driving on a suspended or revoked license;**

**in the preceding three (3) years;**

**(2) who has been convicted of a:**

**(A) felony; or**

**(B) misdemeanor involving:**

**(i) resisting law enforcement;**

**(ii) dishonesty;**

**(iii) injury to a person;**

**(iv) operating while intoxicated;**

**(v) operating a vehicle in a manner that endangers a person;**

**(vi) operating a vehicle with a suspended or revoked license; or**

**(vii) damage to the property of another person;**

**in the preceding seven (7) years;".**

Page 4, line 35, delete "(4)" and insert "**(3)**".

Page 4, line 36, delete "(5)" and insert "**(4)**".

Page 4, line 38, delete "(6)" and insert "**(5)**".

Page 10, delete lines 4 through 8.

Page 10, delete lines 36 through 42.

Page 11, delete lines 1 through 10.

Page 11, line 11, delete "20." and insert "**19**".

Page 11, between lines 37 and 38, begin a new paragraph and insert:  
**"SECTION 12. IC 22-3-2-9, AS AMENDED BY P.L.201-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) IC 22-3-2 through IC 22-3-6 shall not apply to:**

**(1) casual laborers (as defined in IC 22-3-6-1);**

**(2) farm or agricultural employees;**

**(3) household employees; or**

**(4) a person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt**



under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis; **or**

**(5) an individual acting as a TNC driver (as defined in IC 8-2.1-17-19) as provided in IC 8-2.1-19.1.**

IC 22-3-2 through IC 22-3-6 do not apply to the employers or contractors of the persons listed in this subsection.

(b) An employer who is exempt under this section from the operation of the compensation provisions of this chapter may at any time waive such exemption and thereby accept the provisions of this chapter by giving notice as provided in subsection (c).

(c) The notice of acceptance referred to in subsection (b) shall be given thirty (30) days prior to any accident resulting in injury or death, provided that if any such injury occurred less than thirty (30) days after the date of employment, notice of acceptance given at the time of employment shall be sufficient notice thereof. The notice shall be in writing or print in a substantial form prescribed by the worker's compensation board and shall be given by the employer by posting the same in a conspicuous place in the plant, shop, office, room, or place where the employee is employed, or by serving it personally upon the employee; and shall be given by the employee by sending the same in registered letter addressed to the employer at the employer's last known residence or place of business, or by giving it personally to the employer, or any of the employer's agents upon whom a summons in civil actions may be served under the laws of the state.

(d) A copy of the notice in prescribed form shall also be filed with the worker's compensation board, within five (5) days after its service in such manner upon the employee or employer.

SECTION 13. IC 22-3-7-2, AS AMENDED BY P.L.134-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Every employer and every employee, except as stated in this chapter, shall comply with this chapter, requiring the employer and employee to pay and accept compensation for disablement or death by occupational disease arising out of and in the course of the employment, and shall be bound thereby. The burden of proof is on the employee. The proof by the employee of an element of a claim does not create a presumption in favor of the employee with regard to another element of the claim.

(b) This chapter does not apply to the following:

(1) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined



in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis.

(2) A nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

**(3) An individual acting as a TNC driver (as defined in IC 8-2.1-17-19) as provided in IC 8-2.1-19.1.**

**(4) A transportation network company (as defined in IC 8-2.1-17-18) to the extent the transportation network company allows an individual to act as a TNC driver on the transportation network company's digital network as provided in IC 8-2.1-19.1.**

(c) This chapter does not apply to employees of municipal corporations in Indiana who are members of:

(1) the fire department or police department of any such municipality; and

(2) a firefighters' pension fund or a police officers' pension fund.

However, if the common council elects to purchase and procure worker's occupational disease insurance to insure said employees with respect to medical benefits under this chapter, the medical provisions apply to members of the fire department or police department of any such municipal corporation who are also members of a firefighters' pension fund or a police officers' pension fund.

(d) When any municipal corporation purchases or procures worker's occupational disease insurance covering members of the fire department or police department who are also members of a firefighters' pension fund or a police officers' pension fund and pays the premium or premiums for the insurance, the payment of the premiums is a legal and allowable expenditure of funds of any municipal corporation.

(e) Except as provided in subsection (f), where the common council has procured worker's occupational disease insurance as provided under this section, any member of the fire department or police department employed in the city carrying the worker's occupational disease insurance under this section is limited to recovery of medical and surgical care, medicines, laboratory, curative and palliative agents and means, x-ray, diagnostic and therapeutic services to the extent that the services are provided for in the worker's occupational disease policy so procured by the city, and may not also recover in addition to that policy for the same benefits provided in IC 36-8-4.



(f) If the medical benefits provided under a worker's occupational disease policy procured by the common council terminate for any reason before the police officer or firefighter is fully recovered, the common council shall provide medical benefits that are necessary until the police officer or firefighter is no longer in need of medical care.

(g) Nothing in this section affects the rights and liabilities of employees and employers had by them prior to April 1, 1963, under this chapter.

SECTION 14. IC 22-4-8-3, AS AMENDED BY P.L.2-2007, SECTION 292, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Employment" shall not include the following:

(1) Except as provided in section 2(i) of this chapter, service performed prior to January 1, 1978, in the employ of this state, any other state, any town or city, or political subdivision, or any instrumentality of any of them, other than service performed in the employ of a municipally owned public utility as defined in this article; or service performed in the employ of the United States of America, or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this article, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation statute, all of the provisions of this article shall be applicable to such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. However, if this state shall not be certified for any year by the Secretary of Labor under Section 3304 of the Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in IC 22-4-32-19 with respect to contribution erroneously paid or wrongfully assessed.

(2) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; however, the department is authorized to enter into agreements with the proper agencies under such Act of Congress which agreements shall become effective ten (10) days after publication thereof, in accordance with rules adopted by the department under IC 4-22-2, to provide reciprocal treatment to individuals who have, after acquiring



potential rights to benefits under this article, acquired rights to unemployment compensation under such Act of Congress, or who have, after having acquired potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this article.

(3) "Agricultural labor" as provided in section 2(l)(1) of this chapter shall include only services performed:

(A) on a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(B) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(C) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g)) as amended, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(D) in the employ of:

(i) the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed; or

(ii) a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in item (i), but only if such operators produce more than one-half (1/2) of the commodity with respect to which such service is performed; except the provisions of items (i) and (ii) shall not be deemed to be applicable with respect to service performed in



connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(E) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(4) As used in subdivision (3), "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(5) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in section 2(m) of this chapter.

(6) Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

(7) Service performed by an individual in the employ of child or spouse, and service performed by a child under the age of twenty-one (21) in the employ of a parent.

(8) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

(A) on each of some of twenty-four (24) days during such quarter such individual performs such service for some portion of the day; or

(B) such individual was regularly employed (as determined under clause (A)) by such employing unit in the performance of such service during the preceding calendar quarter.

(9) Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50)).

(10) Service performed in the employ of a hospital, if such service



is performed by a patient of such hospital.

(11) Service performed in the employ of a school or eligible postsecondary educational institution if the service is performed:

(A) by a student who is enrolled and is regularly attending classes at the school or eligible postsecondary educational institution; or

(B) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by the school or eligible postsecondary educational institution; and

(ii) such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

(14) Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the board finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such country by employees of the United States and of instrumentalities thereof.

(15) Service performed as a student nurse in the employ of a





hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

(16) Service performed by an individual as an insurance producer or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(17) Service performed by an individual:

(A) under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(B) in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual, whether or not the individual is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(18) Service performed in the employ of an international organization.

(19) Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

(20) If the service performed during one-half (1/2) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the



individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by subdivision (2).

(21) Service performed by an inmate of a custodial or penal institution.

(22) Service performed as a precinct election officer (as defined in IC 3-5-2-40.1).

**(23) Service provided by an individual acting as a TNC driver (as defined in IC 8-2.1-17-19) as provided in IC 8-2.1-19.1."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1278 as printed April 3, 2015.)

HOLDMAN

