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Indicates New Matter

AS PASSED BY THE SENATE

June 3, 2015

**H. 3525**

Introduced by Reps. Sandifer, Forrester and Hayes

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Read the first time March 31, 2015.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 23, TITLE 58 SO AS TO PROVIDE FOR THE REGULATION OF TRANSPORTATION NETWORK COMPANIES; TO AMEND SECTION 58‑4‑60, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT BORNE BY ASSESSMENTS TO TRANSPORTATION NETWORK COMPANIES IN ADDITION TO EXISTING SOURCES; AND TO AMEND SECTION 58‑23‑50, RELATING TO EXEMPTIONS FROM REGULATION OF MOTOR VEHICLE CARRIERS BY THE PUBLIC SERVICE COMMISSION, SO AS TO EXEMPT TRANSPORTATION NETWORK COMPANIES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 23, Title 58 of the 1976 Code is amended by adding:

“Article 19

South Carolina Transportation Network Companies

Section 58‑23‑1900. This article may be cited as the ‘South Carolina Transportation Network Companies Act’.

Section 58‑23‑1910. For the purposes of this article:

(1) ‘Personal vehicle’ means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) not a taxi, charter bus, charter limousine, or for‑hire vehicle.

(2) ‘Digital network’ means any online‑enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with transportation network company drivers.

(3) ‘Transportation network company’ or ‘TNC’ means a corporation, partnership, sole proprietorship, or other entity operating in the State that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.

(4) ‘Transportation network company driver’ or ‘driver’ means an individual who:

(a) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(5) ‘Transportation network company rider’ or ‘rider’ means an individual or individuals who use a transportation network company’s digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver’s personal vehicle between points chosen by the rider.

(6) ‘Prearranged ride’ means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride, for the purposes of this article, does not include shared expense carpool or vanpool arrangements, or transportation provided using a taxi, limousine, or other for‑hire vehicle pursuant to a Class C certificate issued by the South Carolina Public Service Commission or pursuant to a license issued by the governing body of a county or city. Transportation network company service does not include services provided pursuant to Articles 1 through 15 of Chapter 23, Title 58 or arranging non‑emergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

Section 58‑23‑1920. Articles 1 to 17 of this chapter do not apply to:

(1) TNCs;

(2) TNC drivers; or

(3) TNC services.

Section 58‑23‑1930. (A) TNCs and TNC drivers are not motor vehicle carriers as defined in this chapter, and shall not be considered to provide taxi, charter bus, charter limousine, or for‑hire services.

(B) TNCs and TNC drivers shall not be required to obtain a certificate from the South Carolina Public Service Commission or the Office of Regulatory Staff pursuant to Article 3 of this chapter.

Section 58‑23‑1940. (A) A person or entity shall not operate a TNC in South Carolina without first having obtained a permit from the Office of Regulatory Staff pursuant to this article; however, a person or entity operating a TNC in South Carolina as of the effective date of this article may continue to operate for a period of sixty days following the effective date of this article so as to permit the person or entity to obtain a permit from the Office of Regulatory Staff pursuant to this section.

(B) The Office of Regulatory Staff shall issue a permit to each TNC that meets the requirements for a TNC set forth in this article.

Section 58‑23‑1950. In order to receive a permit pursuant to this article, a TNC must maintain an agent for service of process in the State of South Carolina.

Section 58‑23‑1960. A TNC may determine and charge a fare for the prearranged rides provided to riders; provided that, if a fare is charged, the TNC shall disclose to riders the fare calculation method on its website or through its digital platform, network, or software application service. The TNC also shall provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver’s personal vehicle.

Section 58‑23‑1970. A TNC’s website or digital platform, network, or software application service shall display a picture of the TNC driver, and the license plate number of the personal vehicle utilized for providing the prearranged ride before the rider enters the TNC driver’s personal vehicle.

Section 58‑23‑1980. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider that lists:

(1) the origin and destination of the trip;

(2) the total time and distance of the trip; and

(3) an itemization of the total fare paid, if any.

Section 58‑23‑1990. (A) Insurers that write automobile insurance in the State may exclude any and all coverage afforded under the owner’s insurance policy for any loss or injury that occurs while a TNC driver is logged on a TNC’s digital network or while the driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

(1) liability coverage for bodily injury and property damage;

(2) uninsured and underinsured motorist coverage;

(3) medical payments coverage;

(4) comprehensive physical damage coverage; and

(5) collision physical damage coverage.

(B) The exclusions shall apply notwithstanding any requirement under Sections 56‑9‑10 through 56‑9‑630. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the transportation network driver is logged on the TNC’s digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a personal vehicle to transport passengers for compensation. Nothing shall be deemed to preclude an automobile insurer from providing coverage for the TNC driver’s personal vehicle, if it so chose to do so by contract or endorsement.

(C) Automobile insurers that exclude coverage as permitted in subsections (A) and (B) shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy as permitted in subsections (A) and (B), shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of Section 58‑23‑2000 at the time of loss.

(D) In a claims coverage investigation, transportation network companies and any automobile insurer potentially providing coverage under Section 58‑23‑2000 shall cooperate to facilitate the exchange of relevant information with directly involved parties and any automobile insurer of the TNC driver if applicable, including the precise times that a driver logged on and off of the TNC’s digital network in the twelve‑hour period immediately preceding and in the twelve‑hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under Section 58‑23‑2000.

Section 58‑23‑2000. (A) A TNC driver or TNC on the driver’s behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a personal vehicle to transport riders for compensation and covers the driver:

(1) while the driver is logged on the TNC’s digital network; or

(2) while the driver is engaged in a prearranged ride.

(B) The following automobile insurance requirements shall apply while a participating TNC driver is logged on the TNC’s digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(1) primary automobile liability insurance in the amount of at least fifty thousand dollars for death and bodily injury per person, one hundred thousand dollars for death and bodily injury per incident, and twenty‑five thousand dollars for property damage;

(2) uninsured motorist coverage as required by Section 38‑77‑150;

(3) the coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both.

(C) The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(1) primary automobile liability insurance that provides at least one million dollars for death, bodily injury, and property damage;

(2) uninsured motorist coverage as required by Section 38‑77‑150;

(3) the coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both;

(D) If insurance maintained by the TNC driver in subsections (B) or (C) has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim.

(E) Coverage under an automobile insurance policy maintained by the TNC shall not be dependent upon a personal automobile insurer first denying a claim nor shall a personal automobile insurer be required to first deny the claim.

(F) Insurance required by this section may be placed with an authorized insurer or with an eligible surplus lines insurer pursuant to Section 38‑45‑90.

(G) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirements for a motor vehicle pursuant to Sections 56‑9‑10 through 56‑9‑630.

(H) A TNC driver shall carry proof of coverage satisfying subsections (B) and (C) at all times during use of a vehicle in connection with a TNC’s digital network. In the event of an accident, a TNC driver shall provide this insurance coverage to the directly interested parties, automobile insurers, and the investigating police officers, upon request, pursuant to Section 56‑10‑225. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and the investigating police officers, whether he was logged on the TNC’s digital network or on a prearranged ride at the time of an accident.

(I) If a TNC’s insurer makes a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle. The Office of Regulatory Staff shall not assess any fines as a result of a violation of this subsection.

Section 58‑23‑2010. Before TNC drivers are allowed to accept a request for a prearranged ride on the TNC’s digital network, the TNC shall disclose to the drivers, in writing, the following information:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC’s digital network;

(2) depending on its terms, that the TNC driver’s personal automobile insurance policy may not provide any coverage while the driver is logged onto the TNC’s digital network and is available to receive a transportation request or is engaged in a prearranged ride; and

(3) if the vehicle to be used to provide TNC services has a lien against it, the driver must notify the lienholder that the driver will be using the vehicle for transportation services that may violate the terms of the contract with the lienholder.

Section 58‑23‑2020. (A) A TNC shall implement a zero tolerance policy on the use of drugs or alcohol any time a TNC driver is:

(1) providing prearranged rides; or

(2) logged into the TNC’s digital platform, network, or software application service but is not providing prearranged rides.

(B) A TNC shall publish on its website and provide notice to its drivers of:

(1) the zero tolerance policy required in subsection (A); and

(2) procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(C) Upon receipt of a complaint from a rider alleging that a driver may have violated the zero tolerance policy, the TNC shall immediately suspend the driver’s access to the TNC’s digital platform, network, or software application service, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(D) The TNC shall maintain records relevant to the enforcement of the requirements of this section for at least two years from the date that a rider complaint is received by the TNC.

Section 58‑23‑2030. (A) Prior to permitting an individual to operate as a TNC driver on its digital platform, network, or software application service, the TNC shall:

(1) require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver’s license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) conduct, or have a third party conduct, a local and national criminal background check for each applicant that must include:

(a) a multi‑state and multi‑jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(b) National Sex Offender Registry database search;

(3) obtain and review a driving history research report for such individual.

(B) The TNC shall not permit an individual to act as a TNC driver on its digital platform, network, or software application service who:

(1) has had more than three moving violations in the prior three‑year period, or one major violation in the prior three‑year period including, but not limited to, failure to stop for a blue light, leaving the scene of an accident, reckless driving, or driving on a suspended or revoked license;

(2) has been convicted, within the past ten years, of driving under the influence of drugs or alcohol, driving with an unlawful alcohol concentration, fraud, use of a motor vehicle to commit a felony, a felony crime involving property damage, theft, and crimes defined as violent pursuant to Section 16‑1‑60;

(3) has been convicted of acts of terror, felony driving under the influence, criminal sexual conduct offenses, or leaving the scene of an accident with bodily injury;

(4) is a match in the National Sex Offender Registry database;

(5) does not possess a valid driver’s license;

(6) does not possess proof of registration for the motor vehicle the individual proposes to use to provide TNC services;

(7) does not possess proof of automobile liability insurance for the motor vehicle the individual proposes to use to provide TNC services; or

(8) is not at least nineteen years of age.

Section 58‑23‑2040. A TNC driver shall exclusively accept rides booked through the TNC’s digital platform, network, or software application service, and shall not solicit or accept street hails.

Section 58‑23‑2050. (A) The TNC shall adopt and implement a policy prohibiting solicitation or acceptance of cash payments from riders and notify TNC drivers of such policy.

(B) TNC drivers shall not solicit or accept cash payments from riders. Any payment for TNC services shall be made only electronically using the TNC’s digital platform, network, or software application service.

Section 58‑23‑2060. (A) A TNC shall adopt and implement a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age with respect to riders and potential riders and notify TNC drivers of the policy.

(B) TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age.

(C) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(D) A TNC shall not impose additional charges on riders for providing services to persons with physical disabilities because of those disabilities.

(E) A TNC shall provide riders an opportunity to indicate whether they require a wheelchair‑accessible vehicle. If a TNC cannot arrange wheelchair‑accessible TNC service in any instance, it shall direct the rider to an alternate provider of wheelchair‑accessible service, if available.

Section 58‑23‑2070. (A) A TNC shall maintain:

(1) individual trip records for at least three years from the date each trip was provided; and

(2) TNC driver records at least until the one‑year anniversary of the date on which a TNC driver’s activation on the TNC digital platform or network has ended.

(B) Each TNC operating in this state shall maintain a list of all TNC drivers who are authorized to accept trip requests on the TNC’s digital platform. Upon written request, a TNC shall make this list available for inspection by law enforcement officers and representatives of the Office of Regulatory Staff at the TNC’s place of business or a mutually agreed upon location.

(C) Any records maintained by a TNC pursuant to this section that are obtained by a public body as defined by Section 30‑4‑20(a) or other governmental entity, or any records that incorporate information from records maintained pursuant to this section, shall not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30 or any other law.

Section 58‑23‑2080. (A) A TNC shall not disclose a rider’s personally identifiable information to a third party unless:

(1) the rider consents;

(2) disclosure is required by a legal obligation; or

(3) disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

(B) A TNC shall be permitted to share a rider’s name and telephone number with the TNC driver providing a prearranged ride to the rider in order to facilitate the correct identification of the rider by the TNC driver, or to facilitate communication between the rider and the TNC driver.

Section 58‑23‑2090. Notwithstanding any other provision of law, transportation network companies and TNC drivers are governed exclusively by this article and any regulations promulgated by the Office of Regulatory Staff consistent with this article. Political subdivisions are prohibited from enacting laws, ordinances, or regulations related to services provided by TNCs.

Section 58‑23‑2100. (A) For the purposes of this section:

(1) ‘Gross trip fare’ means the sum of the base fare charge, distance charge, and time charge for the complete trip at rates published on the TNC’s website.

(2) ‘Local assessment fee’ means one percent of the gross trip fare.

(3) ‘Municipality’ means a city or town issued a certificate of incorporation, or township created by act of the General Assembly.

(B) A TNC shall collect a local assessment fee on behalf of a TNC driver who accepts a request for a prearranged ride made through the TNC’s digital network for all prearranged rides that originate in the state.

(C) Using the Geographic Information System (GIS) data made available by the Revenue and Fiscal Affairs Office pursuant to subsection (I), a TNC shall determine whether each prearranged trip occurred within the incorporated boundaries of a municipality, or outside of the incorporated boundaries of a municipality and within the boundaries of a county of this state.

(D) No later than thirty days after the end of a calendar quarter, a TNC shall submit to the Office of Regulatory Staff:

(1) the total local assessment fees collected by a TNC on behalf of the TNC drivers; and

(2) for trips that originated in a municipality, a report listing the number of trips and percentage of the gross trip fare that originated in each municipality during the reporting period; and

(3) for trips that originated outside a municipality, a report listing the number of trips and percentage of the gross trip fare that originated outside a municipality during the reporting period.

(E) The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a distinct and separate fund and apart from the general fund. These funds are to be administered by the Office of Regulatory Staff pursuant to this section and expended only for the purposes provided in this chapter.

(F)(1) The Office of Regulatory Staff shall retain an amount of one percent of the local assessment fee collected under subsection (D)(1) to cover the expenses borne by the Office of Regulatory Staff derived from:

(a) regulation of TNCs; and

(b) collection, remittance, and distribution of local assessment fees pursuant to this section.

(2) Within sixty days of the end of the calendar quarter, the Office of Regulatory Staff shall distribute the remaining portion of the total local assessment fees collected under subsection (D)(1), minus the amount retained pursuant to subsection (F)(1), to each municipality where a trip originated during the reporting period and, for trips that originated outside a municipality, to each county where a trip originated during the reporting period. The distribution to each municipality or county shall be proportionate to the number of trips and percentage of the gross trip fare that originated in each municipality or county.

(G)(1) To ensure that the TNC has remitted the correct local assessment fee and has accurately reported the percentages attributable to municipalites and counties pursuant to subsection (D), upon request of the municipality,the Office of Regulatory Staff may inspect the necessary records at a TNC’s place of business or a mutually agreed upon location. This inspection may not be conducted more than once a year.

(2) At least forty‑five days before the Office of Regulatory Staff conducts an inspection of records pursuant to subsection (G)(1), the Office of Regulatory Staff shall notify the Municipal Association of South Carolina (MASC) of its intent to conduct an inspection and the date of the planned inspection.

(3) The MASC may request that a TNC that is subject to inspection under subsection (G)(1) engage an independent third party auditor to verify that the local assessment to municipalities has been properly accounted for and distributed. At least thirty days before the scheduled audit, the MASC must submit this request in writing to the Office of Regulatory Staff and the TNC subject to the audit.

(a) The TNC that is subject to the audit shall engage the independent third party auditor, which shall be selected at the sole discretion of the TNC, and bear all costs associated with the third party audit. The independent third party auditor must be:

(i) a certified public accounting firm licensed in the State; and

(ii) qualified to perform engagments in accordance with Generally Accepted Government Auditing Standards (GAGAS).

(b) The TNC shall provide the MASC with a copy of the third party audit report within fifteen days of completion, which shall in no event, occur later than ninety days after receipt of the MASC’s written request. The audit report shall disclose the amount of any underpayments or overpayments to municipalities and counties.

(c) A person employed by or formerly employed by the MASC who discloses to a third party any information that the TNC marked in the audit report as confidential shall be guilty of a violation of Section 39‑8‑90 and be subject to penalties unless the individual obtained the TNC’s written consent prior to disclosure. Nothing in this section shall be construed to restrict the MASC from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(4) In the event that a TNC submits a report to the MASC that is subsequently determined to be inaccurate, thereby leading to an underpayment or overpayment of a municipality or county’s local assessment fee, the Office of Regulatory Staff shall correct the underpayment and overpayment by offsetting the amount of the underpayment or overpayment in subsequent local assessment fee distributions. In the event a TNC remits an assessment fee to the Office of Regulatory Staff that is determined to constitute an underpayment of the total assessment fee required by this article, the transportation network company shall, within thirty days of receiving notification of the determination, remit the balance owed to the Office of Regulatory Staff. A TNC that submits a report containing an inaccuracy or remits an assessment fee that constitutes an underpayment that is determined by the Office of Regulatory Staff to be the result of an intentional misrepresentation shall be assessed damages that are no less than three times the amount of the underpayment or resultant underpayment to the municipality or county impacted.

(H) Any records maintained by a TNC pursuant to this section that are obtained by the Office of Regulatory Staff, a public body as defined by Section 30‑4‑20(a), or any records that incorporate information from records maintained pursuant to this section, shall not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30, or any other provision of law.

(I) The Office of Regulatory Staff may not disclose records or information provided by a TNC unless disclosure is required by a subpoena or court order. If a disclosure is required, the Office of Regulatory Staff shall promptly notify the TNC prior to the disclosure. Nothing in this section shall be construed to restrict the Office of Regulatory Staff from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(J) To ensure proper distribution of the local assessment fee pursuant to subsection (D)(2), the Revenue and Fiscal Affairs Office shall prepare and make available for public use a GIS file showing the state’s county and municipal boundaries. This file shall be updated on a quarterly basis, and published on the Revenue and Fiscal Affairs Office’s website. In addition to the requirements of Section 5‑3‑90, municipalities shall provide annexation information to the Revenue and Fiscal Affairs Office within thirty days after the annexation is complete. Such information shall include a written description of the boundary, along with a map or plat which clearly defines the new territory added.

(K) This section shall become effective ninety days after the effective date of this Act.

Section 58‑23‑2110. (A) Except as otherwise provided in this chapter, TNCs and TNC drivers are governed exclusively by this article and by any regulations promulgated by the Office of Regulatory Staff consistent with this article. TNC drivers remain subject to all local ordinances outside the scope of this article, whether directly or indirectly impacting the delivery of TNC driver services, including but not limited to parking and traffic regulations that are not inconsistent with the provisions of this article.

(B) Political subdivisions are prohibited from imposing a tax on TNCs, TNC drivers, or a vehicle used by a TNC driver, including a business license tax, where such tax is assessed in connection with prearranged rides in the state. Nothing in this article may be construed to restrict a municipality from collecting a business license tax from a TNC located within its boundaries if the tax is limited to receipts or revenue that is not subject to a local assessment fee pursuant to Section 58‑23‑2100 or a business license tax.

(C) In order for TNCs and TNC drivers to provide prearranged rides on airport property, the TNC must comply with Federal Aviation Administration regulations and airport regulations relating to:

(1) payment of reasonable fee to operate at the airport, provided that the fee is not assessed on a per‑driver or per‑vehicle basis; and

(2) designating locations for staging, pick‑ups, drop‑offs, and other similar locations.

Section 58‑23‑2120. The provisions contained in this Article shall not preempt any federal regulation relating to the provision of transportation services at any facility regulated by the United States Federal Aviation Administration.”

SECTION 2. Section 58‑4‑60(B) of the 1976 Code is amended to read:

“Section 58‑4‑60. (B)(1) The expenses of the Transportation Department of the Office of Regulatory Staff, with the exception of the expenses incurred in its railway jurisdiction, must be borne by the revenues from license fees derived pursuant to Sections 58‑23‑530 through 58‑23‑630, assessments to Transportation Network Companies pursuant to Sections 58‑23‑1940 and 58‑23‑2100, and assessments to the carriers of household goods and hazardous waste for disposal carriers. The expenses of the railway section of the Office of Regulatory Staff must be borne by the railroad companies subject to the commission’s jurisdiction according to their gross income from operations in this State.

(2) All other expenses of the Office of Regulatory Staff must be borne by the public utilities subject to the jurisdiction of the commission. On or before the first day of July in each year, the Department of Revenue must assess each public utility, railway company, household goods carrier, and hazardous waste for disposal carrier its proportion of the expenses in proportion to its gross income from operation in this State in the year ending on the thirtieth day of June preceding that on which the assessment is made which is due and payable on or before July fifteenth. The assessments must be charged against the companies by the Department of Revenue and collected by the department in the manner provided by law for the collection of taxes from the companies including the enforcement and collection provisions of Article 1, Chapter 54 of Title 12 and paid, less the Department of Revenue actual incremental increase in the cost of administration into the state treasury as other taxes collected by the Department of Revenue for the State. Transportation Network Companies’ assessments shall be assessed by and remitted to the Office of Regulatory Staff.”

SECTION 3. This act takes effect upon approval by the Governor.

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