

321N.3 Exclusions — driver requirements — penalty.

1. A transportation network company, a transportation network company driver, or a personal vehicle used to provide a prearranged ride is not a motor carrier as defined in [section 325A.1](#), private carrier as defined in [section 325A.1](#), charter carrier as defined in [section 325A.12](#), or common carrier.

2. Prior to permitting an individual to act as a transportation network company driver on a transportation network company's digital network, the company shall do all of the following:

a. Require the individual to submit an application to the company with the individual's name, address, and age, and with copies of the individual's driver's license, the registration for the personal vehicle the individual will use to provide prearranged rides, proof of financial liability coverage, as defined in [section 321.1](#), [subsection 24B](#), covering the individual's use of the personal vehicle, proof of financial responsibility covering the individual in the types and amounts required by [section 321N.4](#), and any other information required by the company.

b. Conduct, or instruct a third party to conduct, a local and national criminal background check on the individual and a search of the national sex offender registry database for the individual.

c. Obtain and review a driving history research report on the individual.

d. Obtain a disclosure form signed by the individual notifying the individual of all of the following:

(1) If a lien exists against a personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the lienholder within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes.

(2) If the individual is not the owner of the personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the owner of the vehicle within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes and that the owner's automobile insurance policy, depending on the policy's terms, may not provide any coverage while the individual is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the individual is engaged in a prearranged ride.

(3) Failure to notify a lienholder or an owner pursuant to this paragraph "d" shall result in the imposition of a civil penalty as provided in [subsection 3](#).

3. If an individual fails to notify a lienholder or an owner pursuant to [subsection 2](#), the department shall assess a civil penalty against the individual in the amount of two hundred fifty dollars. All moneys collected by the department pursuant to [this subsection](#) shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

4. A transportation network company shall not knowingly allow an individual to act as a driver on the company's digital network if any of the following apply:

a. The individual does not have a driver's license valid for the operation of the personal vehicle. A driver's license valid for the operation of the personal vehicle shall not include an instruction permit, special instruction permit, or temporary restricted license.

b. The individual is restricted to operating motor vehicles equipped with an ignition interlock device.

c. The individual's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period.

d. The individual has been convicted of more than three moving violations in the prior three-year period.

e. The individual has been convicted of violating [section 321.218](#), [321.277](#), or [321J.21](#), or [section 321A.32](#), [subsection 1](#), in the prior three-year period.

f. The individual has been convicted in the prior seven-year period of a felony, of violating [section 321J.2](#) or [321J.2A](#), or of any crime involving resisting law enforcement, dishonesty, injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person.

g. The individual is registered on the national sex offender registry.

h. The individual is not at least nineteen years of age.

i. The individual is unable to provide any information required by [this section](#).

5. A transportation network company shall adopt and enforce a zero tolerance policy prohibiting the use of drugs or alcohol by a transportation network company driver while the driver is providing a prearranged ride or is logged on to the company's digital network and available to receive requests for transportation from potential riders. The policy shall include provisions providing for the investigation of alleged violations of the policy and the suspension of drivers under investigation.

6. A transportation network company shall require that a personal vehicle used to provide prearranged rides shall comply with all applicable motor vehicle equipment requirements.

[2016 Acts, ch 1101, §8, 24](#)

Referred to in [§321.40](#), [321N.2](#)