

**Title 23. Public Utilities and Regulated Industries**  
**Chapter XVI. Arkansas Public Service Commission**  
**Subchapter A. Generally**  
**Part 467. Transportation Network Company Services Rules**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Adopted: December 09, 2015  
Order No. 3  
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"ADMINISTRATIVE HISTORY

Docket	Date	OrderNo.	Subject Matter of Docket/Order
15-052-R	12/09/2015	3	Adoption of Transportation Network Company Services Rules"

**Subpart 1. General Provisions**

**23 CAR § 467-101. Definitions.**

The following definitions shall apply throughout this part, except as otherwise required by context, and any references to this part shall include these definitions:

(1) "Commission" means:

(A) Commissioners of the Arkansas Public Service Commission as defined in Arkansas Code § 23-2-101; or

(B) A presiding officer designated to act on behalf of the Arkansas Public Service Commission;

(2) "Digital network" means the same as defined by Arkansas Code § 23-13-702(1);

(3) "For-hire vehicle" means a chauffeured vehicle that provides, on a commercial basis and by a method other than a digital network, transportation service to one (1) or more passengers between locations of the passengers' choice for a fee paid to the driver of the vehicle;

(4) "Limousine" means a large sedan or other luxury vehicle made or modified to carry a large number of passengers and used for the transportation of persons for hire by a method other than a digital network, and which does not include any vehicle employed in transporting persons over regular routes having fixed termini or upon regular schedules of operation;

(5) "Personal vehicle" means the same as defined by Arkansas Code § 23-13-702(2);

(6) "Prearranged ride" means the same as defined by Arkansas Code § 23-13-702(3);

(7) "RPPs" means the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462;

(8) "Rules" means this part, the Arkansas Public Service Commission's Transportation Network Company Services Rules;

(9)(A) "Staff" means Arkansas Public Service Commission employees who may collectively participate in and appear as a party in investigations at, and dockets before, the Arkansas Public Service Commission.

(B) Staff includes the executive director and the tax division director of the Arkansas Public Service Commission and employees who report to those directors.

(C) Staff does not include employees of the Arkansas Public Service Commission who provide technical and legal support to the commissioners;

(10)(A) "Street hail" means, for a passenger, a method whereby a person wishing transportation, who has not prearranged the service, signals to an available driver by a physical gesture or vocally, or both, from the street or area near the street, that the person wishes to engage that driver's services.

(B) For a driver, a method whereby a driver signals to a potential passenger, who has not prearranged the service, by a physical gesture or vocally, or both, that the driver is available for transportation services.

(C) For a driver, a street hail includes staging at a designated taxi stand;

(11) "Taxi cab" means the same as defined by Arkansas Code § 14-57-301(1);

(12) "Transportation network company" or "TNC" means the same as defined by Arkansas Code § 23-13-702(4);

(13) "Transportation network company driver" or "driver" means the same as defined by Arkansas Code § 23-13-702(5);

(14) "Transportation network company rider" or "rider" means the same as defined by Arkansas Code § 23-13-702(6); and

(15) "Transportation network services" or "TNS", see subdivision (6) of this section, prearranged ride.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.01 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-102. Authority.**

This part is promulgated pursuant to, and in accordance with, the Transportation Network Company Services Act, as amended and codified in Arkansas Code § 23-13-701 et seq.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.02 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-103. Purpose and scope.**

Consistent with the Transportation Network Company Service Act, Arkansas Code § 23-13-701 et seq., this part is adopted to ensure the safety, reliability, and cost-effectiveness of TNS and to preserve and enhance access to transportation options for the state's residents and visitors.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.03 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-104. Applicability.**

(a) This part applies to TNCs and TNS.

(b) This part does not apply to:

(1) Taxicab services governed by Arkansas Code § 14-57-301 et seq.;

(2) Motor carrier services pursuant to the Arkansas Motor Carrier Act, Arkansas Code § 23-13-201 et seq.; or

(3) Street hails as prohibited by Arkansas Code § 23-13-715.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.04 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-105. Procedures.**

Unless otherwise specified, the Rules of Practice and Procedure, 23 CAR pt. 462, shall govern procedural matters initiated under this part.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.05 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-106. Confidential information pursuant to statute.**

(a) Pursuant to Arkansas Code § 23-13-718(d), records regarding TNS, TNC drivers, or personal vehicles are not subject to disclosure to a third party by the Arkansas Public Service Commission and are exempt from the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(b) Regarding records that are protected pursuant to Arkansas Code § 23-14-718(d), if it becomes necessary to file records with the Arkansas Public Service Commission, provide records to staff, or provide records to a party to an Arkansas Public Service Commission proceeding pursuant to this part, any such records shall be filed or provided in the same manner as information submitted pursuant to a protective order issued by the Arkansas Public Service Commission pursuant to the Rules of Practice and Procedure, 23 CAR pt. 462.

(c) Any party may contest:

(1) A claim of confidentiality of the records submitted by written motion within five (5) days of the filing of the records; or

(2) Continuing entitlement to protection in accordance with the Rules of Practice and Procedure.

(d) Challenge of the status of any record claimed as protected shall be pursuant to 23 CAR § 462-404.

(e) Disclosure of records provided as confidential pursuant to this section will be limited to those persons who sign an affidavit of nondisclosure in the form prescribed by the Arkansas Public Service Commission.

(f) Affidavits of nondisclosure signed pursuant to this section shall comply with the requirements contained in the Rules of Practice and Procedure.

(g) Any Arkansas Public Service Commission employee or agent participating in any inspection of TNC records that are protected pursuant to statute or Arkansas Public Service Commission order shall execute an affidavit of nondisclosure pursuant to 23

CAR § 462-404(g) in the form prescribed by the Arkansas Public Service Commission.

(h) Any Arkansas Public Service Commission employee or agent investigating any informal (nondocketed) complaint that involves TNC records that are protected pursuant to statute or Arkansas Public Service Commission order shall execute an affidavit of nondisclosure pursuant to 23 CAR § 462-404(g) in the form prescribed by the Arkansas Public Service Commission.

(i) Affidavits of nondisclosure executed regarding an inspection or informal (nondocketed) complaint shall be filed in the docket that granted the TNC its permit to operate.

(j) A party may request a protective order of nondisclosure pursuant to the Rules of Practice and Procedure for confidential information not covered by this section.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 1.06 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

## **Subpart 2. Permit Application**

### **23 CAR § 467-201. Permit required.**

An individual or entity shall not operate a TNC in the State of Arkansas without first having obtained a permit to operate a TNC from the Arkansas Public Service Commission.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 2.01 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

### **23 CAR § 467-202. Permit application and requirements.**

(a) A permit application shall be submitted in accordance with this part and the Rules of Practice and Procedure, 23 CAR pt. 462, including 23 CAR § 462-408(c) of the Rules of Practice and Procedure.

(b) Each permit application shall include:

(1) The applicant's:

(A) Exact name as registered with the Secretary of State;

(B) Physical and mailing addresses;

(C) Phone number;

(D) Email address; and

(E) Company website address;

(2)(A) A copy of the articles of partnership or a certified copy of the articles of incorporation or other articles of organization.

(B) A copy of the certificate of authority of a foreign corporation shall be included unless incorporated under Arkansas law;

(3) The TNC's agent for service of process in compliance with Arkansas Code § 23-13-705;

(4) Information demonstrating that the insurance requirements of Arkansas Code § 23-13-709 have been met;

(5) Copies of the policy and procedures implemented pursuant to Arkansas Code § 23-13-712, including information on how notice of the policy and procedures is provided;

(6) A copy of the policy adopted pursuant to Arkansas Code § 23-13-716; and

(7) A copy of the policy adopted pursuant to Arkansas Code § 23-13-717.

(c) Each permit application shall, at a minimum, demonstrate that procedures and methods have been implemented that will ensure that:

(1) The TNC will disclose to TNC riders the fare information in compliance with Arkansas Code § 23-13-706(b);

(2) The TNC will provide to the rider prior to the rider entering the driver's vehicle the information required by Arkansas Code § 23-13-707;

(3) The TNC will transmit an electronic receipt to the rider in compliance with Arkansas Code § 23-13-708;

(4) The TNC drivers will carry proof of insurance coverage in compliance with Arkansas Code § 23-13-709(a)(6);

(5) The TNC will disclose, in writing, to the drivers the information required by Arkansas Code §§ 23-13-709(b) and 23-13-710 before they are allowed to accept a request for a prearranged ride on the TNC's digital network;

(6) The TNC and its insurer will comply with Arkansas Code § 23-13-711(d);

(7) The TNC will require the applications, conduct the background checks, and limit drivers in compliance with Arkansas Code § 23-13-713;

(8) The TNC will comply with motor vehicle safety and emissions requirements of Arkansas Code § 23-13-714;

(9) The TNC will provide a rider the opportunity required by Arkansas Code § 23-13-717;

(10) The TNC will make drivers aware of their independent contractor status in accordance with Arkansas Code § 23-13-719;

(11) The TNC will receive and investigate customer complaints and make good-faith efforts to resolve the issues raised by the complaint; and

(12) The TNC will comply with the recordkeeping and reporting requirements of Arkansas Code § 23-13-718, this part, and all other applicable statutory and regulatory requirements governing TNCs.

(d) Each permit application shall be accompanied by proof of service of a copy of the application on:

(1) The Director of State Highways and Transportation;

(2) The Director of the Division of Arkansas State Police; and

(3) The Attorney General.

(e) Each permit application shall be accompanied by payment of an annual permit fee of fifteen thousand dollars (\$15,000).

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 2.02 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-203. Notice.**

(a) Notice of the permit application shall be given by the applicant in the following manner, unless the Arkansas Public Service Commission otherwise provides:

(1) By publication in a newspaper of general circulation in each market within which the applicant intends to operate, once per week for two (2) consecutive weeks within the thirty (30) days before filing the application; and

(2) By publication on the applicant's website or any other form of electronic application controlled by the applicant, or both.

(b) Notice shall include at a minimum a brief description of the permit application and the ability to intervene or comment on the application in accordance with the Rules of Practice and Procedure, 23 CAR pt. 462.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 2.03 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-204. Basis for denial.**

The application for a permit may be denied by the Arkansas Public Service Commission if the applicant fails to demonstrate to the Arkansas Public Service Commission's satisfaction that the information, procedures, and methods provided by the applicant in response to 23 CAR § 467-202 will ensure statutory compliance, or for any other just cause as determined pursuant to the Arkansas Public Service Commission's authority.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 2.04 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

### **Subpart 3. Penalties and Revocation**

#### **23 CAR § 467-301. Penalties and revocation.**

The Arkansas Public Service Commission may assess a penalty in accordance with Arkansas Code § 23-13-721 and this part or revoke or suspend the permit of the TNC, or any combination of the preceding, if:

(1) The TNC fails to timely pay a fee, fine, or penalty, or file its annual report in accordance with this part;

(2) The report submitted with the TNC's annual fee pursuant to 23 CAR § 467-204 indicates that the change of information, procedures, or methods would disqualify the TNC from receiving a permit as an initial application or under current law; or

(3) The TNC commits a violation of the provisions of the Transportation Network Company Services Act, Arkansas Code § 23-17-701 et seq., or this part as determined by the Arkansas Public Service Commission.

**Authority.** Arkansas Code §§ 23-13-721, 23-13-722.

**Codification Notes.** This section was promulgated as Rule 3.01 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

### **Subpart 4. Compliance Procedures**

#### **23 CAR § 467-401. Verification.**

After the grant of a permit to operate by the Arkansas Public Service Commission, a TNC shall file in the docket in which it received its permit to operate on or before March 31, June 30, September 30, and December 31 of each year, a written affidavit,

signed by an officer of the TNC, confirming that the TNC is:

(1) Providing to the rider prior to the rider entering the driver's personal vehicle the picture of the driver and the license plate number of the personal vehicle;

(2) Transmitting an electronic receipt to the rider after the end of the TNS which indicates:

(A) The origin and destination of the trip;

(B) The total time and distance of the trip; and

(C) An itemization of the total fare paid, if any;

(3) Verifying that the TNC and its drivers have complied with the motor vehicle liability insurance coverage requirements of Arkansas Code § 23-13-709; and

(4) Maintaining a list of drivers and a description of their personal vehicles, indicating whether each is covered by the motor vehicle liability insurance as required by Arkansas Code § 23-13-709 and whether the background checks for each driver and motor vehicle safety and emissions checks required by Arkansas Code §§ 23-13-713 and 23-13-714, respectively, have been completed.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 4.01 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-402. Annual fee and reporting requirements.**

(a) In accordance with Arkansas Code § 23-13-704, on or before October 1 annually, a TNC shall pay to the secretary of the Arkansas Public Service Commission an annual fee of fifteen thousand dollars (\$15,000).

(b) With payment of the annual fee, the TNC shall file in the docket in which it received its permit to operate a report, verified under oath by an officer of the TNC, that:

(1) Certifies that the information, procedures, and methods required by the TNC's permit application are being maintained and followed;

(2) Outlines any changes in the TNC's information, procedures, or methods currently on file with the Arkansas Public Service Commission; and

(3) Provides a copy of any changed information, procedures, or methods.

**Authority.** Arkansas Code §§ 23-13-704, 23-13-722.

**Codification Notes.** This section was promulgated as Rule 4.02 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

## **Subpart 5. Recordkeeping and Reporting Requirements**

### **23 CAR § 467-501. Records.**

Individual trip records and driver records shall be maintained in accordance with Arkansas Code § 23-14-718(a).

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 5.01 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.

### **23 CAR § 467-502. Inspections.**

(a) In accordance with Arkansas Code § 23-13-718(b), staff may inspect records held by a TNC that are needed to investigate or resolve an informal or formal complaint.

(b) Staff may inspect records and conduct audits pursuant to Arkansas Code § 23-13-718(c).

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 5.02 of the Transportation

Network Company Services Rules prior to codification in the Code of Arkansas Rules.

**23 CAR § 467-503. Responsibility for record maintenance.**

The TNC is responsible for maintaining and providing for inspection the records requested by the Arkansas Public Service Commission in accordance with this subpart regardless of whether the records are maintained or held by a third party.

**Authority.** Arkansas Code § 23-13-722.

**Codification Notes.** This section was promulgated as Rule 5.03 of the Transportation Network Company Services Rules prior to codification in the Code of Arkansas Rules.