

Chapter SPS 210

TRANSPORTATION NETWORK COMPANIES

Note: Chapter SPS 210 was created as an emergency rule effective April 1, 2016.

SPS 210.01 Authority. The rules in this chapter are adopted pursuant to the authority delegated by ss. 227.11 (2) (a), 227.11 (2) (b), 440.415 (1) (a), and 440.415 (2) (a), Stats.

History: EmR1518: emerg. cr., eff. 4-1-16; CR 15-071: cr. Register March 2016 No. 723, eff. 4-1-16.

SPS 210.20 Definitions. In this chapter:

(1) "Department" means the department of safety and professional services.

(2) "Licensed company" has the meaning given in s. 440.40 (2), Stats.

(3) "Participating driver" has the meaning given in s. 440.40 (3), Stats.

(4) "Transportation network company" has the meaning given in s. 440.40 (6), Stats.

(5) "Transportation network services" has the meaning given in s. 440.40 (7), Stats.

History: EmR1518: emerg. cr., eff. 4-1-16; CR 15-071: cr. Register March 2016 No. 723, eff. 4-1-16.

SPS 210.30 License required. (1) TRANSPORTATION NETWORK COMPANY. As provided under s. 440.41 (1), Stats., no person may operate a transportation network company unless the transportation network company is licensed by the department.

(2) INITIAL LICENSE. The department shall grant a license to operate a transportation network company upon payment of an initial licensure fee of \$5,000, notwithstanding s. 440.03 (9) (a), Stats., and submittal of an application on a form prescribed by the department. The application shall include the applicant's name, address, tax identification number, and an attestation that the applicant is a transportation network company that satisfies all applicable requirements under ss. 440.42, 440.44, 440.45, and 440.48, Stats.

Note: Application forms are available on the Department's website at www.dps.wi.gov/Home or upon request from the Department, Division of Professional Credential Processing, 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.

(3) RENEWAL. To renew a license, a licensed company shall, by the date specified in s. 440.08 (2) (a) 69m., Stats., file with the department a renewal fee of \$5,000, or the renewal fee determined by the department under s. 440.03 (9) (a), Stats., whichever is less; and a renewal application on a form prescribed by the department. The application shall include an attestation that the applicant is a transportation network company that satisfies all applicable requirements under ss. 440.42, 440.44, 440.45, and 440.48, Stats.

Note: Application forms are available on the Department's website at www.dps.wi.gov/Home or upon request from the Department, Division of Professional Credential Processing, 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.

(4) LATE RENEWAL AND REINSTATEMENT. (a) Late renewal before 5 years. If the application for renewal is filed after the deadline specified in s. 440.08 (2) (a) 69m., Stats., but less than 5 years after the expiration of the applicant's license, the applicant shall meet the requirements under sub. (3) and the applicant shall pay the late renewal fee in s. 440.08 (3) (a), Stats., in addition to the renewal fee determined by the department under sub. (3). This paragraph does not apply to licensed companies whose licenses have been surrendered or revoked.

(b) *Late renewal after 5 years.* If the application for renewal is filed 5 years or more after the deadline specified in s. 440.08 (2) (a) 69m., Stats., the applicant shall pay the late renewal fee in s. 440.08 (3) (a), Stats., in addition to the renewal fee determined by the department under sub. (3). The department may require the applicant to complete the requirements for initial licensure under sub. (2). This paragraph does not apply to licensed companies who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(c) *Reinstatement.* A transportation network company whose license has been surrendered or revoked or who has a license with unmet disciplinary requirements which has not been renewed within 5 years of the renewal date may apply to have the license reinstated in accordance with all of the following:

1. Evidence of completion of the requirements in sub. (4) (b), if the credential has not been active within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

(5) PARTICIPATING DRIVER. As provided in s. 440.41 (2), Stats., no person may engage in transportation network services in this state unless the person is a participating driver for a transportation network company licensed by the department.

History: EmR1518: emerg. cr., eff. 4-1-16; CR 15-071: cr. Register March 2016 No. 723, eff. 4-1-16; s. 35.17 correction in (4) (c).

SPS 210.40 Disciplinary proceedings and actions.

(1) INVESTIGATIONS AND HEARINGS. Subject to the rules promulgated under s. 440.03 (1), Stats., the department may conduct investigations and hold hearings to determine whether a violation of subchapter IV of Chapter 440, Stats., or any rule promulgated under subchapter IV of Chapter 440, Stats., or a violation of any other law that substantially relates to the operation of a transportation network company or to transportation network services has occurred.

(2) DISCIPLINE. Subject to the rules promulgated under s. 440.03 (1), Stats., the department may reprimand a licensed company or deny, limit, suspend, or revoke a license granted under s. 440.415, Stats., if the department finds that an applicant for licensure or a licensed company has done any of the following:

(a) Intentionally made a material misstatement in an application for a license or license renewal.

(b) Advertised in a manner that is false or misleading.

(c) Obtained or attempted to obtain compensation through fraud or deceit.

(d) Violated subchapter IV of Chapter 440, Stats., or any rule promulgated under subchapter IV of Chapter 440, Stats., or violated any other law that substantially relates to the operation of a transportation network company or to transportation network services. A transportation network company that has been the subject of an administrative, judicial, or other sanction shall send to the department within 30 days after the determination or sanction becomes final, an official form of notice, judgment, or other record from the administrative, judicial, or other governing body forum.

(e) Failed to cooperate with the department in connection with an investigation under this section. Failure to provide a substan-

tive response to an inquiry or a request for information by the department in connection with an investigation under this section constitutes a failure to cooperate.

(f) Failed to timely respond to a request for information by the department in connection with an investigation under this section. There is a rebuttable presumption that a credential holder has failed to respond in a timely manner if the credential holder takes longer than 30 days to respond to a request for information or lon-

ger than 10 days to respond if provided with an investigative subpoena.

(3) FORFEITURES. In addition to or in lieu of a reprimand or other action under sub. (2), the department may assess against a licensed company, for the violations under sub. (2), a forfeiture of not more than \$1,000 for each separate offense. Each day of non-compliance constitutes a separate offense

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