



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

#22

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2018 AT THREE O'CLOCK P.M.

On motion of Mr. Luna, seconded by Mr. Montelongo, it was moved to adopt the following ordinance:

ORDINANCE SBPC #2062-05-18

Summary No. 3589

Introduced by: Councilmember Luna on 5/1/18
Public Hearing held on 5/15/18

AN ORDINANCE AMENDING CHAPTER 21, VEHICLES FOR HIRE, TO CREATE ARTICLE III, TRANSPORTATION NETWORK COMPANIES (TNC) OF THE ST. BERNARD PARISH CODE OF ORDINANCES

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 21, Vehicles for Hire, to create Article III, Transportation Network Companies (TNC) as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

NAYS: None

ABSENT: None

The Council Chair, Ms. Callais, cast her vote as **YEA**



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Extract #22 continued
May 15, 2018

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at Large

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Councilmember
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And the motion was declared **adopted** on the 15th day of May, 2018.


JENNIFER LEMOINE
DEPUTY CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

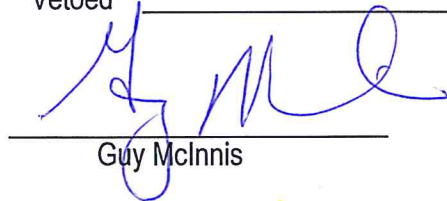
Delivered to the Parish President 5/18/2018 11:15am
Date and Time

Received by Margen Campo

Approved 

Vetoed _____

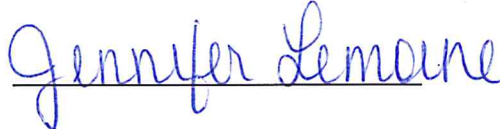
Parish President


Guy McInnis

Returned to Clerk of the Council

5/18/2018 1:40pm
Date and Time

Received by



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Exhibit "A"

Chapter 21 Vehicles for Hire

ARTICLE III. - TRANSPORTATION NETWORK COMPANIES (TNC)

DIVISION 1. - GENERALLY

Sec. 21-165. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Transportation network company (TNC) means a person or organization, whether a corporation, partnership, sole proprietorship, or other entity that connects passengers with drivers using their personal vehicle for purposes of for-hire transportation services by means of a TNC digital network.

Transportation network company digital network (TNC digital network) means any online-enabled application, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers.

Transportation network company driver (TNC driver) means a person who uses his or her personal vehicle to provide for-hire transportation services for passengers matched through a TNC digital network. A TNC driver need not be an employee of a TNC.

Transportation network company services (TNC services) means the transportation of a passenger between points chosen by the passenger and is prearranged by a TNC using a TNC digital network. TNC services commence from the moment a TNC driver logs onto a TNC digital network and ceases when the driver logs off the TNC digital network.

Transportation network company vehicle (TNC vehicle) means any motor vehicle being used to provide TNC services through a TNC digital network that is:

- (1) Owned or leased by the TNC driver, or otherwise authorized for use by the TNC driver to provide TNC services, and is not owned or leased by a TNC; and
- (2) Not licensed as a taxicab, limousine, horse-drawn carriage, pedicab, general charter tour vehicle, sightseeing tour vehicle, courtesy vehicle, non-emergency medical vehicle, airport shuttle, or any other classification of for-hire vehicle as provided under chapter 21 of the St. Bernard Parish Code of Ordinances or licensed by any other political subdivision or the Louisiana Public Service Commission.

Sec. 21-166. - TNC permit required.

No TNCs shall operate without first having applied for and received a TNC permit in the manner provided in this chapter. Any person or entity found operating a TNC without a TNC permit shall be subject to a fine of no less than \$500.00 for the first offense.

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Sec. 21-167. - TNC permits are privileges.

TNC permits are privileges and not rights. The Director of Community Development or his designee has full discretion in determining whether a TNC permit shall be issued. TNC permits are not transferrable.

Sec. 21-168. - TNC permit application.

An application for a TNC permit shall be submitted on forms to be furnished by the Department of Community Development, and the applicant shall furnish the following information with each application:

- (1) The name and form of business under which the service will be operated;
- (2) The name, phone number, mailing address, email, and street address (if different from the mailing address) of the applicant's agent for service of process;
- (3) Proof of current coverage of insurance as required by this chapter;
- (4) A general description of the means and methodology used to charge passengers and the standard rates for for-hire vehicle transportation services rendered; and
- (5) Any additional information as requested by the Department of Community Development for administration of this section.

Sec. 21-169. - TNC permit fees.

The St. Bernard Parish Government (SBPG) shall charge an annual TNC permit fee of \$2,500.00 plus \$0.50 per ride originating in St. Bernard Parish. The per ride fee shall be due quarterly and payable within ten days of the end of each quarter of operation.

Sec. 21-170. - Accessibility.

- (a) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
- (b) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

Sec. 21-171. - TNC website requirements.

A TNC shall provide the following information on its website:

- (1) TNC's customer service telephone number, email address, or equivalent means of contacting the TNC;
- (2) TNC's zero tolerance policy and how to report TNC drivers whom the passenger(s) suspect have violated the zero tolerance policy as set forth in section 21-193 of this chapter;
- (3) TNC's method and rate calculation formula; and
- (4) Procedures for reporting a complaint about a TNC driver.

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DIVISION 2. - TRANSPORTATION NETWORK COMPANY DRIVERS

Sec. 21-172. - TNC driver background checks and qualifications.

- (a) No TNC driver may perform TNC services who:
 - (1) Is inflicted with any disease which might make him an unsafe driver or to a person who is addicted to any drugs or narcotics.
 - (2) Does not possess knowledge as to the layout of streets in the area in which he is operating.
 - (3) Has pleaded guilty to or been convicted of any felony in this state or any crime that would be a felony in this state, however this provision shall not apply to any person who has not been convicted of any felony in this state or any crime that would be a felony in this state for a period of five years from the date of completion of sentence, probation, parole, or suspension of sentence upon the date of the application for the permit.
 - (4) Has pleaded guilty to or been convicted of a crime that requires registration as a sex offender as defined in R.S. 15:541(24) and (25) so long as that person is required to register as a sex offender.
- (b) A TNC shall not allow a TNC driver to perform TNC services unless or until the TNC has performed or caused to be performed background checks on TNC driver applicants. The methodology for such background checks shall include a local and national criminal background check for each applicant which shall include:
 - (1) Multi-state/jurisdictional criminal records locator or other similar nationwide database criminal history record check to determine if a person has been arrested for and/or convicted of a crime with validation (primary source search), which shall include a social security trace or other similar identification check to identify additional relevant information about applicants, including first name, last name, middle name or initial, aliases, maiden name, alternate spellings, and nicknames, date of birth, Social Security Number, any known addresses; and
 - (2) Results or findings of such a search must be confirmed with the jurisdiction or court system to determine disposition of proceedings; and
 - (3) National Sex Offender Registry database; and
 - (4) A driving record check.
- (c) These background checks shall be conducted at least once every two years for the duration of individuals operating under the TNC.
- (d) Criteria used in evaluating criminal records shall be consistent across all individuals operating under the TNC. Differing criteria may not be applied to evaluation of background check results based upon race, color, religion, sex (including pregnancy), national origin, age, disability, or sexual orientation.
- (e) A TNC shall maintain records of all criminal background and driving record checks performed on all employed or contracted TNC drivers operating in St. Bernard Parish for a period of no less than two years. If St. Bernard Parish Government requests access to such records, the TNC, or its designee,

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must provide the records to either entity within 24 hours of the request. Such records may only be accessed when a complaint number has been generated by St. Bernard Parish Government. Failure to conduct criminal background and driving record checks or failure to maintain such criminal background check and driving record check or provide them upon request shall be grounds for the suspension and/or revocation of a TNC permit.

Sec. 21-173. - TNC driver drug testing.

- (a) Every quarter, St. Bernard Parish Government is authorized to send to any TNC a list of up to 25 TNC drivers for random drug testing. Within five days of receiving the list, the TNC shall advise such drivers they must obtain a drug test from a St. Bernard Parish approved testing facility within ten days. In order to select the TNC drivers for random drug testing, St. Bernard Parish Government may require the TNC to provide an anonymized list of TNC drivers currently authorized to access its digital network in St. Bernard. The TNC may remove any personally identifying information from such list prior to providing it to St. Bernard Parish Government and/or the Department of Community Development.
- (b) A TNC shall require a TNC driver to submit a drug test within 24 hours upon being involved in a traffic accident resulting in a police report or insurance claim while providing TNC services.
- (c) TNC drivers must sign a waiver to allow approved facilities to send results directly to the Department of Community Development.
- (d) Any TNC driver who fails to timely submit to drug testing or refuses to comply with the instructions and/or testing protocol of the drug testing facility shall be prohibited from operating as a TNC driver for a period of one year. Further, the TNC shall prevent the driver from accessing the TNC's digital network for a period of one year.
- (e) Any TNC driver whose test results indicate that the TNC driver tested positive for any controlled substance listed in R.S. 40:961 et seq., or any combination thereof, shall be prohibited from operating as a TNC driver for a period of one year. Further, the TNC shall prevent the driver from accessing the TNC's digital network for a period of one year.
- (f) If a person testing positive for a controlled dangerous substance has a valid and legal prescription for the medication for which he tested positive, such person may continue as a TNC driver under the following circumstances:
 - (1) The prescription must be issued by a licensed physician;
 - (2) The prescription must be accompanied by a written certification from the physician that:
 - a. The medication was prescribed prior to the drug test;
 - b. The physician is familiar with the person's medical history including drug and alcohol use and other medications;
 - c. The person has not been diagnosed with any substance abuse issue, and that the prescribed drug will not adversely affect that applicant's ability to operate a motor vehicle safely; and
 - d. The medication was not prescribed as permitted by R.S. 40:1046.

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- (g) Failure of the TNC to comply with these provisions shall be grounds for suspension or revocation of a TNC permit.

DIVISION 3. - TRANSPORTATION NETWORK COMPANY DRIVER VEHICLES

Sec. 21-174. - Maximum age of TNC vehicles.

No vehicle having a vehicle age greater than eight years may be used to provide TNC services in St. Bernard Parish Government. For purposes of this chapter, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year. (For example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001). If a vehicle owner can demonstrate that the odometer had less than 600 miles on it at the time of purchase, the vehicle age shall be measured from the date the vehicle was purchased.

Sec. 21-175. - TNC vehicle inspection.

Before allowing a TNC driver to accept trip requests through the TNC's digital platform, the TNC shall ensure that any motor vehicle(s) that the TNC driver is authorized to use to provide prearranged rides meets the State of Louisiana's vehicle safety requirements for private motor vehicles and has a current valid inspection document or sticker.

Sec. 21-176. - Nonscheduled TNC vehicle inspections.

Notwithstanding any other provisions in this chapter, St. Bernard Parish Government shall have the power and authority to require periodic inspections of any motor vehicles currently registered as TNC vehicles while providing TNC services.

Sec. 21-177. - TNC vehicle identification.

All TNC vehicles shall be identified by consistent trade dress (i.e. distinctive signage or display on the vehicle) when providing TNC services that is sufficiently large and color contrasted as to be readable during daylight hours at a distance of at least 50 feet. The trade dress shall be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular TNC. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable. TNCs shall file a photograph or digital image of their trade dress with Department of Community Development. A TNC permit holder shall be liable for violations of this section upon a showing that the TNC knew or should have known about such violations. Such a showing shall be grounds for the suspension and/or revocation of a TNC permit.

DIVISION 4. - TRANSPORTATION NETWORK COMPANY INSURANCE

Sec. 21-178. - TNC services time periods.

For purposes of this chapter, TNC services shall have two distinct time periods:

- (1) Period One runs from the time a TNC driver logs onto the TNC digital network until he or she accepts a passenger match, and from the time the driver has completed the transaction, or the

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last passenger exits the vehicle, whichever is later, until the driver accepts another passenger match or logs off the TNC digital network.

- (2) Period Two runs from the time a TNC driver accepts a passenger match until the driver has completed the transaction, or the last passenger exits the vehicle, whichever is later.

Sec. 21-179. - TNC duty to inform drivers.

A TNC shall disclose in writing to TNC drivers, as part of its written agreement with those drivers and before allowing TNC drivers to accept a request for TNC services, the insurance coverage and limits of liability that the TNC provides while a driver makes himself or herself available for TNC services, and shall advise a TNC driver in writing:

- (1) That the driver's personal automobile insurance policy may not provide any liability or other related coverage, including, but not limited to uninsured or underinsured motorist, comprehensive, or collision coverage while the driver makes himself or herself available for TNC services or is performing TNC services;
- (2) That if the vehicle used to provide TNC services has any security interest, privilege, or lien, that the TNC driver must notify the entity possessing that security interest, privilege, or lien that they are using the vehicle to perform TNC services.

Sec. 21-180. - TNC insurance coverage.

A TNC shall maintain insurance coverage placed with an insurer authorized to provide coverage in the state or with a surplus line insurer eligible under R.S. 22:431 et seq., that provides primary liability coverage and other coverages for TNC services during TNC service periods as provided below. The requirement for a TNC to maintain insurance coverage as described by this division may be satisfied by any of the following:

- (1) An insurance policy obtained by a TNC.
- (2) An insurance policy obtained by a TNC driver that is specifically written to cover TNC services.
- (3) Any combination of insurance policies obtained by the TNC and an insurance policy obtained by a TNC driver that is specifically written to cover TNC services.

A TNC may meet its obligations to maintain insurance coverage under this chapter with a policy obtained by the TNC driver pursuant to subsections (b) or (c), only if the TNC verifies that the policy or policies in question are specifically written to cover TNC services and that any policy obtained by a TNC driver in that regard is maintained. If an insurance policy obtained by a TNC driver to meet the requirements of subsections (b) or (c) ceases to exist at any time for any reason, including, but not limited to, lapse or cancellation, or does not provide coverage for any reason the TNC's insurance policy shall provide all required coverage under this chapter beginning with the first dollar of a claim and shall have the duty to defend such claim.

Sec. 21-181. - TNC insurance coverage limits.

- (a) A TNC shall ensure that TNC services are covered by an insurance policy or policies subject to the following coverage requirements:

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- (1) During TNC service Period One, TNC services shall be covered by a policy or policies of primary liability insurance in the amount of at least \$50,000.00 for death or personal injury of any one person, at least \$100,000.00 for death or personal injury of two or more persons, and at least \$25,000.00 for property damage per incident.
 - (2) During TNC service Period Two, TNC services shall be covered by a policy or policies of primary liability insurance in the amount of at least \$1,000,000.00 for death, personal injury and property damage. The policy or policies shall also provide uninsured or underinsured motorist coverage in the amount of at least \$1,000,000.00.
 - (3) In addition to the coverage limits provided for in this section, a TNC shall also provide all other state-mandated coverages for motor vehicles as required by the state motor vehicle safety responsibility law, R.S. 32:851 et seq.
- (b) This section shall not limit the liability of a TNC arising out of an automobile accident involving a TNC driver in any action for damages against a TNC for an amount above the required insurance. Coverage under this section shall not be dependent on a personal automobile insurance policy first denying a claim, nor shall a personal automobile insurer be required to first deny a claim.

Sec. 21-182. - Duty to comply with claims coverage investigation.

A TNC and any insurer potentially providing coverage under this division shall cooperate to facilitate the exchange of relevant information with directly-involved parties and their insurers and any insurer of the TNC driver, if applicable, including, but not limited to, the precise times that a TNC driver logged on and off of the TNC's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident and a clear description of the coverage, exclusions and limits under any automobile insurance policy maintained under this division.

Sec. 21-183. - Proof of insurance.

TNC drivers shall carry with them at all times during the provision of TNC services proof of insurance coverage, including any coverage from the driver's own policy that is specifically written to cover the provision of TNC services, or coverage from a policy obtained by the TNC, or both, as applicable. Such proof of insurance may be maintained electronically. In the event of an accident, a TNC driver shall provide this insurance coverage information to any other party involved in the accident, and to a police officer and St. Bernard Parish Government, upon request.

Sec. 21-184. - Failure to maintain required insurance.

Failure to maintain all required insurance at any time for any reason shall be grounds for the suspension and/or revocation of a TNC permit.

Sec. 21-185. - TNC driver notification of insurance companies and lienholders.

Any terms or conditions in the agreement between the TNC permit holder and TNC driver, or between the TNC permit holder and any passenger, that would act as a waiver of the TNC permit holder's liability to the passenger or the public, are declared contrary to public policy, null, void, and unenforceable.

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DIVISION 5. - RATES

Sec. 21-186. - Rates.

- (a) TNCs may charge rates based upon a calculation of time and/or distance. Passengers shall be provided the method by which the rates will be calculated and the option to obtain an estimated total fare prior to pick-up based upon information provided when requesting service. A TNC shall not apply any surcharge to passengers for use except as authorized by this chapter.
- (b) Any time there is a temporary or permanent increase in rates or change in rate calculation which will or may result in a temporary or permanent increase in rates, prior to passenger acceptance of the fare and completion of the order, the TNC shall clearly and without prompting display the increase of the fare in the form of a mathematical multiple or total cost estimation.

Sec. 21-187. - Rates during emergencies.

TNCs and TNC drivers may not increase rates during a state of emergency as declared by the governor or parish governing body, except as permissible according to R.S. 29:732.

Sec. 21-188. - Passenger receipts.

- (a) Upon completion of a trip, a TNC shall provide customers with a receipt that lists the:
 - (1) TNC driver name;
 - (2) TNC vehicle description and license plate number;
 - (3) Trip ID;
 - (4) Date of trip;
 - (5) Distance of trip, including the point of origin and ultimate destination;
 - (6) Time of trip;
 - (7) Fare charges;
 - (8) Extra charge;
 - (9) Total charges; and
 - (10) TNC name and contact information,
- (b) A TNC shall maintain such receipts for a period of at least two years. Such records may only be accessed when a Department of Community Development complaint number has been generated. Upon request of St. Bernard Parish Government, such receipts shall be made available within 72 hours.

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DIVISION 6. - OPERATING REQUIREMENTS

Sec. 21-189. - Prohibition against street hailing.

TNC drivers shall not provide TNC services unless a TNC has matched the driver to a passenger through a TNC digital network. A TNC driver shall not accept on-demand rides from persons on the street. TNC drivers shall provide immediate electronic proof that any ride in progress has been prearranged through a TNC upon demand by the Department of Community Development or other law enforcement personnel.

Sec. 21-190. - Prohibition against use of taxicab stands.

TNC drivers shall not pick up or discharge a passenger in any designated taxicab stand areas.

Sec. 21-191. - Refusal to carry passengers.

- (a) No TNC driver shall refuse to take any passenger who has requested service via TNC digital network to a destination within ten miles outside of Jefferson or Orleans Parish limits, once the request has been accepted. This section shall also apply for trips to or from any municipal airport operated by the City of New Orleans for TNC drivers authorized to perform such trips.
- (b) Transportation network companies shall reasonably ensure adequate and non-discriminatory pick up and drop off service to and from all areas in the geographic boundaries of St. Bernard.

Sec. 21-192. - Passenger match information.

Prior to passenger entering a TNC vehicle, the TNC shall provide a passenger with the following information:

- (1) TNC driver's first name;
- (2) A photograph clearly identifying the TNC driver; and
- (3) Make, model, and license plate number of the TNC driver's vehicle.

Sec. 21-193. - Zero tolerance policy.

Every TNC shall establish and maintain a zero tolerance policy on the use of drugs or alcohol by its TNC drivers while providing TNC services. Immediately upon receiving a passenger credible complaint, the TNC shall suspend the TNC driver and conduct an investigation into the allegation. The suspension shall remain in place throughout the duration of the investigation. Any TNC driver found to have violated the TNC's zero tolerance policy shall be prohibited from operating as a TNC driver or as a taxicab operator within St. Bernard for a period of no less than one year from the date of the violation.

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DIVISION 7. - RECORDKEEPING REQUIREMENTS

Sec. 21-194. - Trip sheets and records.

- (a) Every TNC shall keep daily records including all trip requests, complaints, accepted trip requests, daily application sign-in and sign-out logs, vehicle collision reports, service response time reports, reports of crime against TNC drivers and passengers, lost property reports, and TNC vehicle identification information. Failure to maintain such records or to timely provide them shall be grounds for the suspension and/or revocation of a TNC permit.
- (b) Falsifying any records outlined in this chapter shall be grounds for suspension and/or revocation of a TNC permit.

Sec. 21-195. - Privacy protections.

A TNC shall not disclose to a third party any personally identifiable information concerning a user of the TNC digital network unless:

- (1) The TNC obtains the user's consent for release of such information;
- (2) The disclosure is necessary to comply with a legal obligation; or
- (3) The disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

This limitation of disclosure does not apply to the disclosure of aggregated user data and other information about the user that is not personally identifiable. Violations of this section shall be grounds for the suspension and/or revocation of a TNC permit. The city attorney shall have the right to file suit in a court of competent jurisdiction to seek appropriate remedies for any violations of this provision.

DIVISION 8. - PENALTIES

Sec. 21-196. - Penalties for violations by TNCs.

Unless otherwise provided for in this chapter, for violations of this chapter, a TNC shall be subject to a fine of up to \$500.00 for a first offense and/or possible suspension or revocation of its TNC permit; for subsequent offenses a TNC shall be subject to a fine up to the maximum amount allowable in the mayor's court and/or possible suspension or revocation of its TNC permit.

Sec. 21-197. - Penalties for violations by TNC drivers.

Unless otherwise provided for in this chapter, for violations of this chapter, a TNC driver shall be subject to immobilization and/or impoundment of the TNC vehicle and a fine of up to \$500.00 for a first offense; for subsequent offenses drivers shall be subject to immobilization and/or impoundment of the TNC vehicle and a fine of up to the maximum amount allowable in the mayor's court.

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Sec. 21-198. - TNC permit holder liability.

A TNC shall be liable for violations of this chapter or those committed by a TNC driver using a TNC digital network upon a showing that the TNC knew or should have known about such violations. Such a showing shall be grounds for the suspension and/or revocation of a TNC permit.

Sec. 21-199. - Denial, revocation, or suspension of TNC permit.

Unless contrary to the provisions of this chapter, a TNC shall be subject to the permit denial, revocation, and suspension regulations as outlined in this chapter.

Sec. 21-200. - Prohibition against waiver or limitation of liability.

For any services rendered pursuant to this chapter, any terms or conditions in the agreement between the TNC and TNC driver, or between the TNC and any passenger that would act as a waiver or limitation of the TNC's liability to a TNC driver, a passenger or the public, or of the TNC driver's liability to the passenger or the public, shall not be enforceable.