

271.95 IMPERSONATION OF A TRANSPORTATION NETWORK COMPANY
DRIVER WHILE [ATTEMPTING TO COMMIT] [COMMITTING] A FELONY.
FELONY.

NOTE WELL: Use this instruction if the defendant impersonated a transportation network company driver during the commission of a separate felony offense. Use N.C.P.I.—Crim. 271.94 for instruction on the elements of Impersonation of a Transportation Network Company Driver.

The defendant has been charged with impersonation of a transportation network company¹ driver² while [committing] [attempting to commit] (name felony).

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant made a false representation to another person that the defendant was a transportation network company driver;

Second, that the defendant made the false representation by

- (a) [Making a false statement]
- (b) [[Falsely displaying [distinctive signage] (or) [emblems], known as a [trade dress] [trademark] [branding] (or) [logo] of the transportation network company]]
- (c) [Falsely representing that the defendant had a current connection with the transportation network company]; or
- (d) [Falsely representing that the defendant was responding to a passenger ride request for a transportation network company].

And Third, that the false representation(s) occurred while the defendant was [committing] (or) [attempting to commit] (name felony, e.g. robbery)

(define the felony and enumerate its elements using the Pattern Jury Instruction for that felony).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a false representation to another person, that the defendant was a transportation network company driver, and that the false representations occurred while defendant was [committing] (or) [attempting] to commit (name felony), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company” as any person that uses an online-enabled application or platform to connect passengers with Transportation Network Company drivers who provide prearranged transportation services (e.g., Uber & Lyft).

2. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company Driver” as an individual that uses a passenger vehicle in connection with a transportation network company’s online enabled application or platform to connect with passengers in exchange for payment of a fee to the transportation network company.