

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1857 Session of
2013

INTRODUCED BY KILLION, MILLARD, COHEN, MURT, HARPER AND
MICOZZIE, NOVEMBER 25, 2013

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 25, 2013

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in general provisions, further
3 providing for definitions; in contract carrier by motor
4 vehicle and broker, further providing for declaration of
5 policy and definitions; and providing for liability for
6 commuter ride-sharing vehicles.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definition of "common carrier by motor
10 vehicle" in section 102 of Title 66 of the Pennsylvania
11 Consolidated Statutes is amended by adding a paragraph and the
12 section is amended by adding definitions to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this part which are applicable to specific
16 provisions of this part, the following words and phrases when
17 used in this part shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

19 * * *

20 "Common carrier by motor vehicle." Any common carrier who or

1 which holds out or undertakes the transportation of passengers
2 or property, or both, or any class of passengers or property,
3 between points within this Commonwealth by motor vehicle for
4 compensation, whether or not the owner or operator of such motor
5 vehicle, or who or which provides or furnishes any motor
6 vehicle, with or without driver, for transportation or for use
7 in transportation of persons or property as aforesaid, and shall
8 include common carriers by rail, water, or air, and express or
9 forwarding public utilities insofar as such common carriers or
10 such public utilities are engaged in such motor vehicle
11 operations, but does not include:

12 * * *

13 (10) A person or entity that:

14 (i) is conducting, supporting, promoting or
15 coordinating ride-sharing promotional activities or
16 commuter ride sharing; or

17 (ii) engaged in the business of a ride-sharing
18 operator.

19 "Commuter ride sharing." A car pool or van pool arrangement
20 whereby one or more groups are transported in a passenger motor
21 vehicle between a place of abode or terminus near the place of
22 abode and a place of employment or educational or other
23 institution. A group may not exceed 15 persons, including the
24 driver and may not be fewer than two persons including the
25 driver. The gross vehicle weight of the passenger motor vehicle
26 may not exceed 10,000 pounds, excluding special rider equipment.
27 The group must be transported in a round trip where the driver
28 is also driving to or from the driver's place of employment or
29 educational or other institution.

30 * * *

1 "Ride-sharing operator." The person, entity or concern
2 responsible for the existence and continuance of commuter ride
3 sharing. The party responsible is not necessarily the driver.
4 The term includes, but is not limited to:

- 5 (1) an employer;
- 6 (2) an employer's agent;
- 7 (3) an employer-organized association;
- 8 (4) a State, regional or local agency; or
- 9 (5) an entity that owns or leases a ride-sharing
10 vehicle.

11 "Ride-sharing promotional activities." The activities
12 involved in forming a commuter ride-sharing arrangement,
13 including, but not limited to:

- 14 (1) public promotional and advertising activities;
- 15 (2) receiving information from existing and prospective
16 ride-sharing participants;
- 17 (3) sharing the information received under paragraph (2)
18 with other existing and prospective ride-sharing
19 participants;
- 20 (4) matching the persons under paragraph (2) with other
21 existing or prospective ride-sharing participants; and
- 22 (5) making assignments of persons to ride-sharing
23 arrangements.

24 * * *

25 Section 2. Paragraph (2) of the definition of "contract
26 carrier by motor vehicle" in section 2501(b) of Title 66 is
27 amended by adding a subparagraph to read:

28 § 2501. Declaration of policy and definitions.

29 * * *

30 (b) Definitions.--The following words and phrases when used

1 in this part shall have, unless the context clearly indicates
2 otherwise, the meanings given to them in this subsection:

3 * * *

4 "Contract carrier by motor vehicle."

5 * * *

6 (2) The term "contract carrier by motor vehicle" does
7 not include:

8 * * *

9 (x) Any person or corporation that is conducting,
10 supporting, promoting or coordinating ride-sharing
11 promotional activities or commuter ride sharing, or who
12 engages in the business of a ride-sharing operator.

13 Section 3. Title 66 is amended by adding a section to read:
14 § 2510. Liability for commuter ride-sharing vehicles.

15 (a) Standard of care and limitation.--The operator and the
16 driver of a commuter ride-sharing vehicle shall be held to a
17 reasonable and ordinary standard of care and are not subject to
18 an ordinance or regulation that relates to the regulation of a
19 driver or owner of a motor vehicle operated for hire or other
20 common carrier or public transit carrier.

21 (b) Prohibition.--As a result of engaging in ride-sharing
22 promotional activities, a person, entity or concern may not be
23 liable for civil damages arising directly or indirectly from:

24 (1) the maintenance and operation of a commuter ride-
25 sharing vehicle; or

26 (2) a negligent or intentional act of another person who
27 is participating or proposing to participate in a commuter
28 ride-sharing arrangement, unless the ride-sharing operator or
29 promoter had:

30 (i) prior knowledge the intentional act was likely

1 to occur; and
2 (ii) a commercially reasonable ability to prevent
3 the act from occurring.
4 Section 4. This act shall take effect in 60 days.