

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2295 Session of
2014

INTRODUCED BY KILLION, O'BRIEN, WATSON, MURT, V. BROWN, MILLARD,
TRUITT AND SWANGER, JUNE 2, 2014

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 2, 2014

AN ACT

1 Amending the act of December 14, 1982 (P.L.1211, No.279),
2 entitled "An act providing for ridesharing arrangements and
3 providing that certain laws shall be inapplicable to
4 ridesharing arrangements," providing for a short title;
5 further providing for definitions and for motor carrier laws
6 not applicable to ridesharing; and making editorial changes.

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

9 Section 1. Section 1 of the act of December 14, 1982
10 (P.L.1211, No.279), entitled "An act providing for ridesharing
11 arrangements and providing that certain laws shall be
12 inapplicable to ridesharing arrangements," is repealed:

13 [Section 1. Ridesharing arrangement defined.

14 As used in this act, "ridesharing arrangement" shall mean any
15 one of the following forms of transportation:

16 (1) The transportation of not more than 15 passengers
17 where such transportation is incidental to another purpose of
18 the driver who is not engaged in transportation as a
19 business. The term shall include ridesharing arrangements
20 commonly known as carpools and vanpools, used in the

1 transportation of employees to or from their place of
2 employment.

3 (2) The transportation of employees to or from their
4 place of employment in a motor vehicle owned or operated by
5 their employer.

6 (3) The transportation of persons in a vehicle designed
7 to hold no more than 15 people and owned or operated by a
8 public agency or nonprofit organization for that agency's
9 clientele or for a program sponsored by the agency.]

10 Section 2. The act is amended by adding sections to read:

11 Section 1.1. Short title.

12 This act shall be known and may be cited as the Ridesharing
13 Arrangements Act.

14 Section 1.2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Ridesharing arrangement." Any one of the following forms of
19 transportation provided by a ridesharing operator:

20 (1) The transportation of not more than 15 passengers
21 where the transportation is incidental to another purpose of
22 the driver who is not engaged in transportation as a
23 business. The term includes a carpool and vanpool used in the
24 transportation of employees to or from their place of
25 employment.

26 (2) The transportation of employees to or from their
27 place of employment in a motor vehicle owned or operated by
28 their employer.

29 (3) The transportation of persons in a vehicle designed
30 to hold no more than 15 people and owned or operated by a

1 public agency or nonprofit organization for that agency's
2 clientele or for a program sponsored by the agency.

3 (4) A carpool or vanpool arrangement in which the driver
4 is not engaged in transportation as a business and one or
5 more groups are transported in a passenger motor vehicle
6 between a place of abode or terminus near the place of abode
7 and a place of employment or educational or other
8 institution, provided that:

9 (i) The group consists of at least two persons
10 including the driver and does not exceed 15 persons,
11 including the driver.

12 (ii) The group does not consist of school-aged
13 children in grades 12 and under being transported to or
14 from an educational institution.

15 (iii) The gross vehicle weight of the passenger
16 motor vehicle does not exceed 10,000 pounds, excluding
17 special rider equipment.

18 (iv) The group is transported in a round trip where
19 the driver is also driving to or from the driver's place
20 of employment or educational or other institution.

21 "Ridesharing operator." The person, entity or concern
22 responsible for the existence and continuance of a ridesharing
23 arrangement. The party responsible may or may not be the driver.
24 The term includes, but is not limited to:

25 (1) an employer;

26 (2) an employer's agent;

27 (3) an employer-organized association;

28 (4) a State, regional or local agency;

29 (5) a nonprofit organization; or

30 (6) an entity that owns, rents or leases a vehicle used

1 in a ridesharing arrangement.

2 "Ridesharing promotional activities." The activities
3 involved in forming a ridesharing arrangement, including, but
4 not limited to:

5 (1) public promotional and advertising activities;

6 (2) receiving information from existing and prospective
7 ridesharing participants;

8 (3) sharing the information received under paragraph (2)
9 with other existing and prospective ridesharing participants;

10 (4) matching the persons under paragraph (2) with other
11 existing or prospective ridesharing participants; and

12 (5) making assignments of persons to ridesharing
13 arrangements.

14 Section 3. Sections 2, 3, 4, 5, 6 and 9 of the act are
15 amended to read:

16 Section 2. [Motor carrier laws not applicable to ridesharing]

17 Applicability of motor carrier and other laws.

18 (a) General rule.--The following laws and regulations of
19 this State shall not apply to any ridesharing arrangement:

20 (1) Title 66 of the Pennsylvania Consolidated Statutes
21 (relating to public utilities).

22 (2) Laws and regulations containing special insurance
23 requirements for motor carriers.

24 (3) Laws imposing a greater standard of care on motor
25 carriers than that imposed on other drivers or owners of
26 motor vehicles.

27 (4) Laws and regulations imposing special equipment
28 requirements and special accident reporting requirements on
29 motor carriers.

30 (b) Ridesharing promotional activities.--The provisions of

1 Title 66 of the Pennsylvania Consolidated Statutes shall not
2 apply to any person or corporation that is conducting,
3 supporting, promoting or coordinating ridesharing promotional
4 activities.

5 Section 3. [Workmen's] Workers' compensation act not applicable
6 to ridesharing.

7 The act of June 2, 1915 (P.L.736, No.338), known as ["The
8 Pennsylvania Workmen's Compensation Act,"] the Workers'
9 Compensation Act, shall not apply to a passenger injured while
10 participating in a ridesharing arrangement between such
11 passenger's place of residence and place of employment. ["The
12 Pennsylvania Workmen's Compensation Act"] The Workers'
13 Compensation Act shall apply to the driver of [a company-owned
14 or leased] an employer-owned vehicle used in a ridesharing
15 arrangement.

16 Section 4. Liability of employer.

17 (a) General rule.--An employer shall not be liable for
18 injuries to passengers and other persons resulting from the
19 operation or use of a motor vehicle, not owned[, leased or
20 contracted for] by the employer, in a ridesharing arrangement.

21 (b) Encouraging participation.--An employer shall not be
22 liable for injuries to passengers and other persons because he
23 provides information, incentives or otherwise encourages his
24 employees to participate in ridesharing arrangements.

25 Section 5. Insurance rates and policy exclusions.

26 (a) General rule.--Provisions in an insurance policy which
27 deny coverage for any motor vehicle used for commercial purposes
28 or as a public or livery conveyance shall not apply to a vehicle
29 used in a ridesharing arrangement.

30 (b) Approval of Insurance Commissioner.--Premiums charged

1 for ridesharing vehicles shall be approved by the Insurance
2 Commissioner in conformity with the act of June 11, 1947 (P.L.
3 538, No.246), known as ["The Casualty and Surety Rate Regulatory
4 Act."] The Casualty and Surety Rate Regulatory Act.

5 Section 6. Sales taxes and ridesharing.

6 Money received by a driver who is not engaged in
7 transportation as a business as part of a ridesharing
8 arrangement shall not be subject to taxation under Article II of
9 the act of March 4, 1971 (P.L.6, No.2), known as the ["Tax
10 Reform Code of 1971."] Tax Reform Code of 1971.

11 Section 9. Ridesharing vehicles are not commercial vehicles or
12 buses.

13 [(a)] A motor vehicle:

14 (1) designed for carrying not more than 15 passengers,
15 exclusive of the driver, that is used in a ridesharing
16 arrangement shall not be a "bus" as that term is defined in
17 75 Pa.C.S. § 102 (relating to definitions)[.]; and

18 [(b) A motor vehicle] (2) used in a ridesharing
19 arrangement shall not be considered a "bus" or a "taxi" under
20 the provisions of 75 Pa.C.S. § 1305 (relating to application
21 for registration).

22 Section 4. This act shall take effect in 30 days.