

No. 2015-22

AN ACT

HB 140

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

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

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for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," is repealed:

[Section 1. Ridesharing arrangement defined.

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

(1) The transportation of not more than 15 passengers where such transportation is incidental to another purpose of the driver who is not engaged in transportation as a business. The term shall include ridesharing arrangements commonly known as carpools and vanpools, used in the transportation of employees to or from their place of employment.

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

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

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

Section 1.1. Short title.

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

Section 1.2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

(1) *an employer;*

(2) *an employer's agent;*

(3) *an employer-organized association;*

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

(5) *a nonprofit organization; or*

(6) *an entity that owns, rents or leases a vehicle used in a ridesharing arrangement.*

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

(1) *public promotional and advertising activities;*

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

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

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

(5) *making assignments of persons to ridesharing arrangements.*

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

Section 2. **[Motor carrier laws not applicable to ridesharing] *Applicability of motor carrier and other laws.***

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

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

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

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

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

(b) Ridesharing promotional activities.—*The provisions of 66 Pa.C.S. shall not apply to any person or corporation that is conducting, supporting, promoting or coordinating ridesharing promotional activities.*

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

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

Section 4. Liability of employer.

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

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

Section 5. Insurance rates and policy exclusions.

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

(b) **Approval of Insurance Commissioner.**—Premiums charged for ridesharing vehicles shall be approved by the Insurance Commissioner in conformity with the act of June 11, 1947 (P.L.538, No.246), known as ["The Casualty and Surety Rate Regulatory Act."] *The Casualty and Surety Rate Regulatory Act.*

Section 6. Sales taxes and ridesharing.

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

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

[(a)] A motor vehicle:

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

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

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

APPROVED—The 10th day of July, A.D. 2015

TOM WOLF