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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 140 Session of  
2015

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INTRODUCED BY KILLION, MUSTIO, V. BROWN, O'BRIEN, KNOWLES,  
WATSON, GODSHALL, EVANKOVICH, QUIGLEY, TRUITT AND ELLIS,  
JANUARY 21, 2015

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 21, 2015

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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12 inapplicable to ridesharing arrangements," is repealed: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

1 commonly known as carpools and vanpools, used in the  
2 transportation of employees to or from their place of  
3 employment.

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

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

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

12 Section 1.1. Short title.

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

15 Section 1.2. Definitions.

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

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

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

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

30 (3) The transportation of persons in a vehicle designed

1 to hold no more than 15 people and owned or operated by a  
2 public agency or nonprofit organization for that agency's  
3 clientele or for a program sponsored by the agency.

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

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

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

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

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

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

- 26 (1) an employer;  
27 (2) an employer's agent;  
28 (3) an employer-organized association;  
29 (4) a State, regional or local agency;  
30 (5) a nonprofit organization; or

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

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

6           (1) public promotional and advertising activities;  
7           (2) receiving information from existing and prospective  
8           ridesharing participants;

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

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

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

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

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

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

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

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

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

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

1       (b) Ridesharing promotional activities.--The provisions of  
2 66 Pa.C.S. (relating to public utilities) shall not apply to any  
3 person or corporation that is conducting, supporting, promoting  
4 or coordinating ridesharing promotional 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.