

1 ENGROSSED SENATE
2 BILL NO. 1703

By: Jolley of the Senate

3 and

4 Henke, McCall, Smalley,
5 Turner and Virgin of the
6 House

7 [motor vehicles - Oklahoma Ridesharing Act -
8 definition of ridesharing arrangement - certain
9 licensing provisions - ridesharing network to
10 register - codification - effective date -
11 emergency]

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1002, is
14 amended to read as follows:

15 Section 1002. As used in ~~this act, ridesharing arrangement~~ the
16 Oklahoma Ridesharing Act:

17 1. "Ridesharing arrangement" means the transportation of
18 persons in a motor vehicle where such transportation is incidental
19 to another purpose of the driver. The term shall include
20 ridesharing arrangements known as carpools, vanpools and buspools,
21 but shall not include ridesharing services requested through a
22 ridesharing network provided by a ridesharing operator;

23 2. "Ridesharing network" means a company that enables
24 passengers to request, through a digital platform, transportation

1 from ridesharing operators using personal, non-commercially licensed
2 vehicles;

3 3. "Ridesharing operator" means an individual who uses the
4 individual's personal, non-commercially licensed vehicle to provide
5 ridesharing services requested through a ridesharing network;

6 4. "Ridesharing service" means the transportation of persons in
7 a motor vehicle that has at least four doors, is designed to carry
8 no more than eight (8) passengers, including the driver, and is
9 operated by a ridesharing operator using a ridesharing network.

10 Provided, however, a ridesharing arrangement or ridesharing service
11 shall not be construed for any purpose as a common carrier or common
12 carrier for hire.

13 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1003, is
14 amended to read as follows:

15 Section 1003. An employer shall not be liable for injuries to
16 passengers and other persons because he or she provides information,
17 incentives or otherwise encourages his or her employees to
18 participate in ridesharing arrangements or use ridesharing services.

19 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1005, is
20 amended to read as follows:

21 Section 1005. A motor vehicle used in a ridesharing arrangement
22 or ridesharing service that has a seating capacity for not more than
23 fifteen (15) persons, including the driver, shall not be construed
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1 as a motor bus or taxicab for purposes of registration, equipment
2 requirements or rules of the road under Chapter 56 of Title 47.

3 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1006, is
4 amended to read as follows:

5 Section 1006. The driver in a ridesharing arrangement or a
6 ridesharing operator shall not be deemed a commercial operator or
7 driver nor shall he or she be deemed to be transporting persons for
8 compensation under the driver licensing provisions of Title 47 of
9 the Oklahoma Statutes.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1007 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Ridesharing services within the state shall be provided only
14 by ridesharing networks that enable passengers to request, through a
15 digital platform, transportation from ridesharing operators using
16 personal, non-commercially licensed vehicles.

17 1. Before a ride is requested, a ridesharing network shall make
18 available to the passenger the fare calculation method, the
19 applicable rates being charged, and the option for an estimated
20 fare; and

21 2. Upon completion of ridesharing service, a ridesharing
22 network shall transmit an electronic receipt to the passenger's
23 email address or mobile application, documenting:

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- a. the origination and destination of the ridesharing service,
- b. the total time and distance of the ridesharing service, and
- c. a breakdown of the total fare paid, including the base fare and any charge for distance travelled and time.

B. A Ridesharing network operating in this state shall:

1. Register with the Oklahoma Corporation Commission, submit to the Commission evidence that it is licensed to do business in the state, and maintain a registered agent in the state;
2. Permit the use of motor vehicles that have at least four doors and are designed to carry no more than eight (8) passengers, including the driver, to be operated by a ridesharing operator;
3. Conduct, or have a third party conduct, a safety inspection of a vehicle to be used by a ridesharing operator before the vehicle provides a ridesharing service;
4. Maintain an excess liability insurance policy that provides a minimum of One Million Dollars (\$1,000,000.00) per-incident coverage for accidents involving a vehicle used by a ridesharing operator while in transit providing ridesharing service;
5. Provide proof of excess liability insurance coverage to the Commission on an annual basis;

1 6. Conduct, or have a third party conduct, a criminal
2 background check on each potential ridesharing operator before he or
3 she may offer ridesharing services and shall not permit to access
4 its digital platform as a ridesharing operator any person appearing
5 on the National Sex Offender Registry or having a conviction within
6 the past seven (7) years that appears on a criminal background check
7 for crimes of violence, sexual abuse, felony robbery, or felony
8 fraud;

9 7. Conduct, or have a third party conduct, a driving history
10 record check on each potential ridesharing operator before he or she
11 may offer ridesharing services and shall not permit to access its
12 digital platform as a ridesharing operator any person having a
13 conviction within the past seven (7) years for reckless driving,
14 driving under the influence of drugs or alcohol, hit-and-run
15 collision, attempting to elude an officer, using a motor vehicle in
16 the commission of a crime, or a conviction that appears on a driving
17 history check in the previous three (3) years for driving with a
18 suspended or revoked license; and

19 8. Prohibit the use of drugs or alcohol while a ridesharing
20 operator provides ridesharing services and upon receiving a
21 complaint of such drug or alcohol use the ridesharing network shall:

22 a. immediately revoke the ridesharing operator's access
23 to the ridesharing network's digital platform. The
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1 revocation shall last the duration of the
2 investigation, and

3 b. conduct an investigation. If the complaint is
4 verified, the ridesharing network shall permanently
5 revoke the ridesharing operator's access to the
6 ridesharing network's digital platform. If the
7 complaint is found to be untrue, the ridesharing
8 operator's access to the ridesharing network's
9 digital platform may be immediately reinstated.

10 C. A ridesharing operator shall:

11 1. Accept only rides requested through a ridesharing network's
12 digital platform and shall not solicit or accept street-hails;

13 2. Possess a valid Oklahoma driver license, proof of Oklahoma
14 vehicle registration, proof of a motor vehicle insurance policy
15 containing the minimum coverage required of all drivers by law; and

16 3. Be at least twenty-one (21) years of age.

17 D. The Commission shall adopt rules for and shall have the
18 authority to enforce the requirements of this section. Failure to
19 adhere to the requirements of this section by a ridesharing network
20 or ridesharing operator may result in sanctions imposed by the
21 Commission, including fines and impoundment of vehicles, pursuant to
22 the Commission's authority.

23 E. The regulation and use of ridesharing networks, ridesharing
24 operators and ridesharing services are of statewide concern.

1 Ridesharing networks, ridesharing operators and ridesharing services
2 that are regulated pursuant to the Oklahoma Ridesharing Act are not
3 subject to further regulation by a county, city, town or other
4 political subdivision of this state.

5 F. The remainder of Title 47 does not apply to ridesharing
6 networks, ridesharing operators or ridesharing services.

7 SECTION 6. This act shall become effective July 1, 2014.

8 SECTION 7. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 10th day of March, 2014.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2014.

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Presiding Officer of the House
of Representatives

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