

1 **CORRECTED**

2 **SENATE FLOOR VERSION**

3 February 13, 2014

4 COMMITTEE SUBSTITUTE
5 FOR
6 SENATE BILL NO. 1703

By: Jolley of the Senate

and

7 Henke, McCall, Smalley and
8 Turner of the House

9
10 An Act relating to motor vehicles; amending 47 O.S.
11 2011, Sections 1002, 1003, 1005 and 1006, which
12 relate to the Oklahoma Ridesharing Act; modifying
13 definition of ridesharing arrangement; defining
14 terms; clarifying liability of certain employees;
15 clarifying certain activity for purposes of defining
16 income; clarifying use of motor vehicle for certain
17 registration requirement; clarifying designation of a
18 driver or operator of certain transportation for
19 certain licensing provisions; making language gender
20 neutral; stating requirements for ridesharing
21 services; specifying requirements for ridesharing
22 networks; specifying duties of ridesharing operators;
23 requiring adoption of certain rules; restricting
24 additional regulation; clarifying applicability of
certain title; requiring a ridesharing network to
register with the Oklahoma Corporation Commission;
providing for codification; providing an effective
date; and declaring an emergency.

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

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

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

3 1. "Ridesharing arrangement" means the transportation of
4 persons in a motor vehicle where such transportation is incidental
5 to another purpose of the driver. The term shall include
6 ridesharing arrangements known as carpools, vanpools and buspools,
7 but shall not include ridesharing services requested through a
8 ridesharing network provided by a ridesharing operator;

9 2. "Ridesharing network" means a company that enables
10 passengers to request, through a digital platform, transportation
11 from ridesharing operators using personal, non-commercially licensed
12 vehicles-;

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

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

20 Provided, however, a ridesharing arrangement or ridesharing service
21 shall not be construed for any purpose as a common carrier or common
22 carrier for hire.

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

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

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

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

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

14 Section 1006. The driver in a ridesharing arrangement or a
15 ridesharing operator shall not be deemed a commercial operator or
16 driver nor shall he or she be deemed to be transporting persons for
17 compensation under the driver licensing provisions of Title 47 of
18 the Oklahoma Statutes.

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

22 A. Ridesharing services within the state shall be provided only
23 by ridesharing networks that enable passengers to request, through a
24

1 digital platform, transportation from ridesharing operators using
2 personal, non-commercially licensed vehicles.

3 1. Before a ride is requested, a ridesharing network shall make
4 available to the passenger the fare calculation method, the
5 applicable rates being charged, and the option for an estimated
6 fare; and

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

10 a. the origination and destination of the ridesharing
11 service,

12 b. the total time and distance of the ridesharing
13 service, and

14 c. a breakdown of the total fare paid, including the
15 base fare and any charge for distance travelled and
16 time.

17 B. A Ridesharing network operating in this state shall:

18 1. Register with the Oklahoma Corporation Commission, submit to
19 the Commission evidence that it is licensed to do business in the
20 state, and maintain a registered agent in the state;

21 2. Permit the use of motor vehicles that have at least four
22 doors and are designed to carry no more than eight (8) passengers,
23 including the driver, to be operated by a ridesharing operator;

24

1 3. Conduct, or have a third party conduct, a safety inspection
2 of a vehicle to be used by a ridesharing operator before the vehicle
3 provides a ridesharing service;

4 4. Maintain an excess liability insurance policy that provides
5 a minimum of One Million Dollars (\$1,000,000.00) per-incident
6 coverage for accidents involving a vehicle used by a ridesharing
7 operator while in transit providing ridesharing service;

8 5. Provide proof of excess liability insurance coverage to the
9 Commission on an annual basis;

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

18 7. Conduct, or have a third party conduct, a driving history
19 record check on each potential ridesharing operator before he or she
20 may offer ridesharing services and shall not permit to access its
21 digital platform as a ridesharing operator any person having a
22 conviction within the past seven (7) years for reckless driving,
23 driving under the influence of drugs or alcohol, hit-and-run
24 collision, attempting to elude an officer, using a motor vehicle in

1 the commission of a crime, or a conviction that appears on a driving
2 history check in the previous three (3) years for driving with a
3 suspended or revoked license; and

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

7 a. immediately revoke the ridesharing operator's access
8 to the ridesharing network's digital platform. The
9 revocation shall last the duration of the
10 investigation, and

11 b. conduct an investigation. If the complaint is
12 verified, the ridesharing network shall permanently
13 revoke the ridesharing operator's access to the
14 ridesharing network's digital platform. If the
15 complaint is found to be untrue, the ridesharing
16 operator's access to the ridesharing network's
17 digital platform may be immediately reinstated.

18 C. A ridesharing operator shall:

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

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

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

1 D. The Commission shall adopt rules for and shall have the
2 authority to enforce the requirements of this section. Failure to
3 adhere to the requirements of this section by a ridesharing network
4 or ridesharing operator may result in sanctions imposed by the
5 Commission, including fines and impoundment of vehicles, pursuant to
6 the Commission's authority.

7 E. The regulation and use of ridesharing networks, ridesharing
8 operators and ridesharing services are of statewide concern.
9 Ridesharing networks, ridesharing operators and ridesharing services
10 that are regulated pursuant to the Oklahoma Ridesharing Act are not
11 subject to further regulation by a county, city, town or other
12 political subdivision of this state.

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
21 February 13, 2014 - DO PASS AS AMENDED
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