

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1703

By: Jolley

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 1002, 1003, 1004, 1005 and 1006, which relate to the Oklahoma Ridesharing Act; modifying definition of ridesharing arrangement; defining terms; clarifying liability of certain employees; clarifying certain activity for purposes of defining income; clarifying use of motor vehicle for certain registration requirement; clarifying designation of a driver or operator of certain transportation for certain licensing provisions; making language gender neutral; stating requirements for ridesharing services; specifying requirements for ridesharing networks; specifying duties of ridesharing operators; requiring adoption of certain rules; restricting 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:

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

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

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

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

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

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

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

23 Section 1003. An employer shall not be liable for injuries to
24 passengers and other persons because he or she provides information,

1 incentives or otherwise encourages his or her employees to
2 participate in ridesharing arrangements or use ridesharing services.

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1004, is
4 amended to read as follows:

5 Section 1004. Money and other benefits, other than salary,
6 received by a driver in a ridesharing arrangement or ridesharing
7 service using a motor vehicle with a seating capacity for not more
8 than fifteen (15) persons, including the driver, shall not
9 constitute income for the purpose of Sections 2351 et seq. of Title
10 68, imposing taxes on income.

11 SECTION 4. AMENDATORY 47 O.S. 2011, Section 1005, is
12 amended to read as follows:

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

18 SECTION 5. AMENDATORY 47 O.S. 2011, Section 1006, is
19 amended to read as follows:

20 Section 1006. The driver in a ridesharing arrangement or a
21 ridesharing operator shall not be deemed a commercial operator or
22 driver nor shall he or she be deemed to be transporting persons for
23 compensation under the driver licensing provisions of Title 47 of
24 the Oklahoma Statutes.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1007 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

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

8 1. Before a ride is requested, a ridesharing network shall make
9 available to the passenger the fare calculation method, the
10 applicable rates being charged, and the option for an estimated
11 fare; and

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

- 15 a. the origination and destination of the ridesharing
16 service,
- 17 b. the total time and distance of the ridesharing
18 service, and
- 19 c. a breakdown of the total fare paid, including the
20 base fare and any charge for distance travelled and
21 time.

22 B. A Ridesharing network operating in this state shall:
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1 1. Register with the Oklahoma Corporation Commission, submit to
2 the Commission evidence that it is licensed to do business in the
3 state, and maintain a registered agent in the state;

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

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

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

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

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

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

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

14 a. immediately revoke the ridesharing operator's access
15 to the ridesharing network's digital platform. The
16 revocation shall last the duration of the
17 investigation, and

18 b. conduct an investigation. If the complaint is
19 verified, the ridesharing network shall permanently
20 revoke the ridesharing operator's access to the
21 ridesharing network's digital platform. If the
22 complaint is found to be untrue, the ridesharing
23 operator's access to the ridesharing network's
24 digital platform may be immediately reinstated.

1 C. A ridesharing operator shall:

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

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

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

8 D. The Commission shall adopt rules for and shall have the
9 authority to enforce the requirements of this section. Failure to
10 adhere to the requirements of this section by a ridesharing network
11 or ridesharing operator may result in sanctions imposed by the
12 Commission, including fines and impoundment of vehicles, pursuant to
13 the Commission's authority.

14 E. The regulation and use of ridesharing networks, ridesharing
15 operators and ridesharing services are of statewide concern.
16 Ridesharing networks, ridesharing operators and ridesharing services
17 that are regulated pursuant to the Oklahoma Ridesharing Act are not
18 subject to further regulation by a county, city, town or other
19 political subdivision of this state.

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

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

23 SECTION 8. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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