

House Bill 440 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 117<sup>th</sup>, May of the 111<sup>th</sup>, Rogers of the 26<sup>th</sup>, Roberts of the 154<sup>th</sup>, and Baker of the 78<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to  
2 general provisions concerning public utility and public transportation matters, so as to  
3 provide that state government endorsed rideshare programs are neither for hire nor carrier  
4 operations; to provide for related matters; to provide an effective date; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general  
9 provisions concerning public utility and public transportation matters, is amended in Code  
10 Section 46-1-1, relating to definitions relative to public utilities and public transportation, by  
11 adding new paragraphs (5.1), (6.2), and (6.3), and revising paragraphs (6) and (13) as  
12 follows:

13 "(5.1) 'Exempt rideshare' means:

14 (A) Government endorsed rideshare programs;

15 (B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the  
16 rideshare participants pool or otherwise share, rideshare costs such as fuel; or

17 (C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's  
18 business, for rideshare purposes as part of a government endorsed rideshare program,  
19 or for rideshare under a contract requiring compliance with subparagraph (B) of this  
20 paragraph.

21 (6) 'For compensation' or 'for hire' means an activity wherein for payment or other  
22 compensation a motor vehicle and driver are furnished to a person by another person,  
23 acting directly or knowingly and willfully acting with another to provide the combined  
24 service of the vehicle and driver, and includes every person acting in concert with, under  
25 the control of, or under common control with a motor carrier who shall offer to furnish

26 transportation for compensation or for hire, provided that no exempt rideshare shall be  
 27 deemed to involve any element of transportation for compensation or for hire."

28 "(6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar  
 29 rideshare operation conducted by or under the auspices of a state or local governmental  
 30 transit instrumentality, such as GRTA, a transportation management association, or a  
 31 community improvement district, or conducted under the auspices of such transit  
 32 agencies, including through any form of contract between such transit instrumentality and  
 33 private persons or businesses.

34 (6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself  
 35 exempt from regulation as a carrier under Code Section 50-32-71."

36 "(13) 'Private carrier' means every person except motor common carriers or motor  
 37 contract carriers owning, controlling, operating, or managing any motor propelled  
 38 vehicle, and the lessees or trustees thereof or receivers appointed by any court  
 39 whatsoever, used in the business of transporting persons or property in private  
 40 transportation not for hire over any public highway in this state. The term 'private carrier'  
 41 shall not include:

42 (A) Motor vehicles not for hire engaged solely in the harvesting or transportation of  
 43 forest products; provided, however, that motor vehicles not for hire with a  
 44 manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely  
 45 in the transportation of unmanufactured forest products shall be subject only to the  
 46 Georgia Forest Products Trucking Rules provided for in division (9)(C)(x) of this Code  
 47 section;

48 (B) Motor vehicles not for hire engaged solely in the transportation of road-building  
 49 materials;

50 (C) Motor vehicles not for hire engaged solely in the transportation of unmanufactured  
 51 agricultural or dairy products between farm, market, gin, warehouse, or mill whether  
 52 such vehicle is owned by the owner or producer of such agricultural or dairy products  
 53 or not, so long as the title remains in the producer; or

54 (D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph,  
 55 motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds  
 56 or less; provided, however, that motor vehicles which have a manufacturer's gross  
 57 vehicle weight rating of 10,000 pounds or less and which are transporting hazardous  
 58 materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107,  
 59 171-173, and 177-178, shall be included within the meaning of the term 'private carrier.'  
 60 carrier'; or

61 (E) Exempt rideshares."

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**SECTION 2.**

64 This Act shall become effective upon its approval by the Governor or upon its becoming law  
65 without such approval.

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**SECTION 3.**

67 All laws and parts of laws in conflict with this Act are repealed.