

House Bill 339

By: Representatives Leverett of the 123rd, Efstration of the 104th, Williamson of the 112th,
Gaines of the 120th, Gunter of the 8th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
2 relating to motor carriers, so as to exempt ride share drivers or ride share network services
3 from the definition of motor carrier; to provide for definitions; to revise legislative findings;
4 to exempt ride share network services from liability for actions of ride share drivers in certain
5 instances; to provide for conforming changes; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to
10 motor carriers, is amended in Code Section 40-1-100, relating to definitions relative to
11 certification of motor carriers, by revising paragraphs (6) and (12) as follows:

12 "(6) ~~'Department' means the Department of Public Safety~~ 'Elderly or disabled passenger'
13 means an individual over the age of 60 years or who, by reason of illness, injury, age,
14 congenital malfunction, or other permanent or temporary incapacity or disability, is
15 unable to utilize mass transportation facilities as effectively as an individual who is not
16 so affected."

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17 "(12) 'Motor carrier' means:

18 (A) Every person owning, controlling, operating, or managing any motor vehicle,
19 including the lessees, receivers, or trustees of such persons or receivers appointed by
20 any court, used in the business of transporting for hire persons, household goods, or
21 property or engaged in the activity of nonconsensual towing pursuant to Code
22 Section 44-1-13 for hire over any public highway in this state.

23 (B) Except as otherwise provided in this subparagraph, ~~the term 'motor carrier'~~ such
24 term shall not include:

25 (i) Motor vehicles engaged solely in transporting school children and teachers to and
26 from public schools and private schools;

27 (ii) Taxicabs which operate within the corporate limits of municipalities and are
28 subject to regulation by the governing authorities of such municipalities; the
29 provisions of this division notwithstanding, vehicles and the drivers thereof operating
30 within the corporate limits of any city shall be subject to the safety regulations
31 adopted by the commissioner of public safety pursuant to Code Section 40-1-8;

32 (iii) Limousine carriers as provided for in Part 3 of this article;

33 (iv) Hotel passenger or baggage motor vehicles when used exclusively for patrons
34 and employees of such hotel;

35 (v) Motor vehicles operated not for profit with a capacity of 15 persons or less when
36 they are used exclusively to transport elderly ~~and~~ or disabled passengers or employees
37 under a corporate sponsored vanpool program, except that a vehicle owned by the
38 driver may be operated for profit when such driver is traveling to and from his or her
39 place of work, provided each such vehicle carrying more than nine passengers
40 maintains liability insurance in an amount of not less than \$100,000.00 per person and
41 \$300,000.00 per accident and \$50,000.00 property damage. ~~For the purposes of this~~
42 ~~part, elderly and disabled passengers are defined as individuals over the age of 60~~
43 ~~years or who, by reason of illness, injury, age, congenital malfunction, or other~~

44 ~~permanent or temporary incapacity or disability, are unable to utilize mass~~
 45 ~~transportation facilities as effectively as persons who are not so affected;~~
 46 (vi) Motor vehicles owned and operated exclusively by the United States government
 47 or by this state or any subdivision thereof;
 48 (vii) Vehicles, owned or operated by the federal or state government or by any
 49 agency, instrumentality, or political subdivision of the federal or state government,
 50 or privately owned and operated for profit or not for profit, capable of transporting not
 51 more than ten persons for hire when such vehicles are used exclusively to transport
 52 elderly or disabled passengers ~~persons who are elderly, disabled,~~ en route to receive
 53 medical care or prescription medication; or returning after receiving medical care or
 54 prescription medication; ~~For the purpose of this part, elderly and disabled persons~~
 55 ~~shall have the same meaning as in division (v) of this subparagraph; or~~
 56 (viii) Ambulances; or
 57 (ix) Ride share drivers or ride share network services as provided for in Part 4 of this
 58 article."

59 **SECTION 2.**

60 Said article is further amended by revising Code Section 40-1-191, relating to legislative
 61 findings, preemption, and ride share network service, transportation referral service,
 62 transportation referral service provider, and taxi service doing business at a county or
 63 municipal airport, as follows:

64 "40-1-191.

65 The General Assembly finds that it is in the public interest to provide uniform
 66 administration and parity among ride share network services, transportation referral
 67 services, and transportation referral service providers, including taxi services, that operate
 68 in this state for the safety and protection of the public. The General Assembly fully
 69 occupies and preempts the entire field of administration and regulation over ride share

70 network services, ride share drivers, transportation referral services, transportation referral
71 service providers, and taxi services as governed by this part; provided, however, that the
72 governing authority of any county or municipal airport shall be authorized to regulate any
73 ride share network service, ride share driver, transportation referral service, transportation
74 referral service provider, and taxi service consistent with the process used for limousine
75 carriers, as set forth in Code Section 40-1-162, who are doing business at any such airport
76 and may establish fees as part of such regulation process; provided, further, that such fees
77 shall not exceed the airport's approximate cost of permitting and regulating ride share
78 network services, ride share drivers, transportation referral services, transportation referral
79 service providers, and taxi services; and provided, further, that such governing authorities
80 of such airports shall accept a for-hire license endorsement or private background check
81 certification pursuant to Code Section 40-5-39 as adequate evidence of sufficient criminal
82 background investigations and shall not require any fee for any further criminal
83 background investigation; and provided, further, that local governments may maintain
84 certificates of public necessity and convenience and medallion requirements and company
85 requirements for taxi services as provided in this part and may establish maximum fares
86 for taxi services. The list of ride share network services, transportation referral services,
87 transportation referral service providers, and taxi services on the public website of the
88 department shall be sufficient evidence that such services have licenses issued by the
89 department."

90 **SECTION 3.**

91 Said article is further amended by adding a new Code section to read as follows:

92 "40-1-201.

93 (a) No ride share network service shall be liable under any theory of liability, including,
94 but not limited to, vicarious or product liability, for any injury to persons or damage to
95 property from the operation of a personal passenger car by a ride share driver by reason of

96 owning, operating, or maintaining a digital network or internet network to connect
97 passengers to ride share drivers for the purpose of prearranged transportation for hire or for
98 donation, provided that:

99 (1) There has been no negligence or criminal misconduct by the ride share network
100 service;

101 (2) The ride share network service is in compliance with the requirements of this part
102 relating to obligations to a ride share driver and any other provision otherwise required
103 by law; and

104 (3) The ride share network service ensures that each ride share driver holds a for-hire
105 license endorsement pursuant to Code Section 40-5-39 or obtains a private background
106 check certification as described in such Code section at least once every two years.

107 (b) Any digital network or internet network used by a ride share network service shall be
108 considered a service and shall not qualify as a product."

109 **SECTION 4.**

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