

The House Committee on Judiciary offers the following substitute to HB 339:

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 network services from liability for
3 actions of ride share drivers in certain instances; to revise definitions; to provide for
4 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

16 "(12) 'Motor carrier' means:

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

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

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

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

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

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

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

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

56 **SECTION 2.**

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

58 "40-1-201.

59 (a) No ride share network service shall be liable under any theory of liability, including,
 60 but not limited to, vicarious or product liability, for any injury to persons or damage to
 61 property from the operation of a personal passenger car by a ride share driver by reason of
 62 owning, operating, or maintaining a digital network or internet network to connect
 63 passengers to ride share drivers for the purpose of prearranged transportation for hire or for
 64 donation, provided that:

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

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

70 (3) The ride share network service conducts or causes to be conducted a criminal
71 background check or obtains a private background check certification as described in
72 Code Section 40-5-39 for each ride share driver at least once every two years.

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

75 **SECTION 3.**

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