

House Bill 1494

By: Representatives Sanchez of the 42nd, Glaize of the 67th, McClain of the 109th, Adesanya of the 43rd, Ali of the 106th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia
2 Annotated, relating to ride share network services and transportation referral services, so as
3 to require ride share network services to provide ride share drivers with certain information
4 on a monthly basis; to provide notice and process requirements when a ride share network
5 service deactivates or terminates a ride share driver; to require compliance with certain
6 provisions; to provide for definitions; to provide for legislative finding and declaration; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The General Assembly finds and declares that it is the public policy of this state to protect
11 ride share drivers, regardless of such drivers' employment status.

12 **SECTION 2.**

13 Part 4 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
14 relating to ride share network services and transportation referral services, is amended in
15 Code Section 40-1-193, relating to ride share network service registration requirement,

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16 licensure, list of ride share drivers, additional requirements, and law enforcement access to
17 smartphone of ride share driver, by revising subsection (c) as follows:

18 "(c) Each ride share network service doing business or operating in this state shall:

19 (1) Take all necessary steps to determine that each driver contracted with such ride share
20 network service possesses and maintains any required permits or licenses required by the
21 federal government or this state;

22 (2) Ensure that each driver utilized by such ride share network service, whether such
23 driver is employed directly by the ride share network service or operates as an
24 independent contractor, has a current for-hire license endorsement or current private
25 background check certification pursuant to Code Section 40-5-39;

26 (3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty
27 in place for drivers contracted with such ride share network service;

28 (4) Have for each ride share driver contracted with such ride share network service in
29 this state insurance coverage in effect with respect to personal injury liability, property
30 damage liability, and personal injury protection liability benefits available to drivers,
31 passengers, pedestrians, and others in the same coverage amounts as required by law; ~~and~~

32 (5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be
33 required for vehicles used by ride share drivers; and

34 (6) Comply with the provisions of Code Section 40-1-202."

35 **SECTION 3.**

36 Said part is further amended by adding a Code section to read as follows:

37 "40-1-202.

38 (a) As used in this Code section, the term:

39 (1) 'Account deactivation' means one or more of the following actions with respect to a
40 ride share driver that is implemented by a ride share network service and lasts for more
41 than three consecutive days:

- 42 (A) Blocking access to the driver platform;
43 (B) Changing a ride share driver's status from eligible to ineligible to provide services
44 on behalf of the ride share network service; and
45 (C) Any other material restriction to a ride share driver's access to the ride share
46 network service's platform.
- 47 (2) 'Compensation' means payment owed to a ride share driver from a ride share network
48 for services provided on behalf of the ride share network service, including, but not
49 limited to, the minimum payment for passenger platform time and mileage, incentives,
50 and tips.
- 51 (3) 'Computer network' means any online enabled application, website, or system offered
52 or used by a ride share network service that enables the prearrangement of rides between
53 ride share drivers and passengers.
- 54 (4) 'Dispatch location' means the location of the ride share driver at the time such driver
55 accepts a trip request through the driver platform.
- 56 (5) 'Dispatch platform time' means the time the ride share driver spends traveling from
57 a dispatch location to a passenger pickup location, which ends when the passenger
58 cancels a trip or when such driver begins the trip through the driver platform; provided,
59 however, that, for shared rides, such term means the time a ride share driver spends
60 traveling from the first dispatch location to the first passenger pickup location.
- 61 (6) 'Dispatched trip' means the provision of transportation by a ride share driver for a
62 passenger through the use of a ride share network service's driver platform.
- 63 (7) 'Driver platform' means the driver-facing application dispatch system software of any
64 online based application service, website, or system, used by a ride share driver, or which
65 enables the prearrangement of passenger trips for compensation.
- 66 (8) 'Passenger' means any person transported through the use of, or otherwise served by,
67 a ride share network service.

68 (9) 'Passenger pickup location' means the location of the ride share driver's vehicle at the
69 time such driver starts a passenger's trip through the driver platform.

70 (10) 'Passenger platform time' means the period of time when the ride share driver is
71 transporting one or more passengers on a trip; provided, however, that for shared trips,
72 such term means the period of time commencing when the first passenger enters the ride
73 share driver's vehicle until the time when the last passenger exits such vehicle.

74 (11) 'Shared ride' means a dispatched trip which, prior to its commencement, a passenger
75 requests through the ride share network service's computer network to share the
76 dispatched trip with one or more passengers and each passenger is charged a fare that is
77 calculated, in whole or in part, based on the passenger's request to share all or a part of
78 the dispatched trip with one or more passengers, whether or not the passenger actually
79 shares all or a part of the dispatched trip.

80 (12) 'Tip' means a verifiable sum to be presented to a ride share driver by a passenger as
81 a gratuity in recognition of service performed for the passenger.

82 (b)(1) Prior to a ride share driver accepting a dispatched trip, a ride share network service
83 shall provide such driver the estimated mileage, minutes, and compensation for such trip.

84 (2) Within 24 hours of completion of a dispatched trip, a ride share network service shall
85 transmit an electronic receipt to the ride share driver that contains the following
86 information about each such trip:

87 (A) The total amount of passenger platform time;

88 (B) The total mileage driven during passenger platform time;

89 (C) Rate or rates of pay, including, but not limited to, the rate per minute, rate per mile,
90 percentage of passenger fare retained by the ride share driver, and any applicable price
91 multiplier or variable pricing policy in effect for the dispatched trip;

92 (D) Compensation and any tip;

93 (E) Gross payment; and

- 94 (F) Itemized deductions and net payment after any deductions, fees, tolls, surcharges,
95 commission, lease fees, or any other charges.
- 96 (3) On a monthly basis, a ride share network service shall provide to each ride share
97 driver a report that includes, but is not limited to:
- 98 (A) Such driver's effective hourly rate;
99 (B) Such driver's average compensation per mile and per minute; and
100 (C) An explanation for any algorithmic pay adjustments, bonuses, or penalties applied
101 to such driver.
- 102 (c) Within 24 hours of an account deactivation or termination of a ride share driver's
103 account, the ride share network service shall provide such driver written notice of such
104 deactivation or termination that includes:
- 105 (1) The specific reasons for the account deactivation or termination, including the date
106 and time of any alleged incidents that caused such deactivation or termination; provided,
107 however, that, if the underlying incident involves sexual assault or harassment, the date
108 and time of such incident shall not be provided to the ride share driver;
- 109 (2) A description of the evidence in support of the account deactivation or termination
110 and instructions as to how the ride share driver may review any such evidence, including,
111 but not limited to, any relevant passenger complaints, ratings, or reports; provided,
112 however, that the personal identifying information of any passenger or other witness shall
113 be redacted from any such evidence; and
- 114 (3) A process for appealing such driver's account deactivation or termination from the
115 ride share network service."

116 **SECTION 4.**

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