

No. 1982-279

AN ACT

HB 521

Providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Ridesharing arrangement defined.

As used in this act, "ridesharing arrangement" shall mean any one of the following forms of transportation:

(1) The transportation of not more than 15 passengers where such transportation is incidental to another purpose of the driver who is not engaged in transportation as a business. The term shall include ridesharing arrangements commonly known as carpools and vanpools, used in the transportation of employees to or from their place of employment.

(2) The transportation of employees to or from their place of employment in a motor vehicle owned or operated by their employer.

(3) The transportation of persons in a vehicle designed to hold no more than 15 people and owned or operated by a public agency or non-profit organization for that agency's clientele or for a program sponsored by the agency.

Section 2. Motor carrier laws not applicable to ridesharing.

The following laws and regulations of this State shall not apply to any ridesharing arrangement:

(1) Title 66 of the Pennsylvania Consolidated Statutes (relating to public utilities).

(2) Laws and regulations containing special insurance requirements for motor carriers.

(3) Laws imposing a greater standard of care on motor carriers than that imposed on other drivers or owners of motor vehicles.

(4) Laws and regulations imposing special equipment requirements and special accident reporting requirements on motor carriers.

Section 3. Workmen's compensation act not applicable to ridesharing.

The act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act" shall not apply to a passenger injured while participating in a ridesharing arrangement between such passenger's place of residence and place of employment. "The Pennsylvania Workmen's Compensation Act" shall apply to the driver of a company-owned or leased vehicle used in a ridesharing arrangement.

Section 4. Liability of employer.

(a) An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle, not

owned, leased or contracted for by the employer, in a ridesharing arrangement.

(b) An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

Section 5. Insurance rates and policy exclusions.

(a) Provisions in an insurance policy which deny coverage for any motor vehicle used for commercial purposes or as a public or livery conveyance shall not apply to a vehicle used in a ridesharing arrangement.

(b) Premiums charged for ridesharing vehicles shall be approved by the Insurance Commissioner in conformity with the act of June 11, 1947 (P.L. 538, No.246), known as "The Casualty and Surety Rate Regulatory Act."

Section 6. Sales taxes and ridesharing.

Money received by a driver as part of a ridesharing arrangement shall not be subject to taxation under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

Section 7. Municipal licenses and taxes.

No municipality may impose a tax on, or require a license for, a ridesharing arrangement.

Section 8. Overtime compensation and minimum wage laws do not apply to ridesharing arrangements.

The laws of this State requiring payment of a minimum wage, overtime pay or otherwise regulating the hours a person may work shall not apply to employees while traveling between their residences and places of employment.

Section 9. Ridesharing vehicles are not commercial vehicles or buses.

(a) A motor vehicle designed for carrying not more than 15 passengers, exclusive of the driver, that is used in a ridesharing arrangement shall not be a "bus" as that term is defined in 75 Pa.C.S. § 102 (relating to definitions).

(b) A motor vehicle used in a ridesharing arrangement shall not be considered a "bus" or a "taxi" under the provisions of 75 Pa.C.S. § 1305 (relating to application for registration).

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 14th day of December, A. D. 1982.

DICK THORNBURGH