

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-80

Time 11:00 A.M.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

— ● —

ENROLLED

Committee Substitute
for
HOUSE BILL No. 935

(By Mr. Spears)

— ● —

Passed March 7, 1980

In Effect ninety days from Passage



Mo. 935

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 935

(By MRS. SPEARS)

(Originating in the House Committee on the Judiciary)

[Passed March 7, 1980; in effect ninety days from passage.]

AN ACT to amend chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-two, relating to ridesharing arrangements; definition of the term "ridesharing arrangement"; providing that common carrier and workmen's compensation laws do not apply thereto, exceptions; requiring certain liability insurance coverage upon vehicles used in such arrangements; limitation on employer liability; exempting such vehicles from certain county or municipal taxes or licenses; exemptions from overtime and minimum wage laws with respect thereto; and exempting such vehicles from certain equipment, licensing and registration requirements.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-two, to read as follows:

ARTICLE 22. RIDESHARING.

§17C-22-1. Ridesharing arrangement defined.

1 "Ridesharing arrangement" means the transportation of
2 persons in a motor vehicle where such transportation is in-
3 cidental to another purpose of the driver and is not for
4 profit, or is by nonprofit community organizations and non-
5 profit corporations for senior citizens or handicapped persons.
6 The term shall include but not be limited to ridesharing
7 arrangements known as carpools, vanpools and buspools.

**§17C-22-2. Common carrier laws do not apply to ridesharing; re-
quiring liability insurance.**

1 The following laws and regulations of this state shall not
2 apply to any ridesharing arrangement using a motor vehicle
3 with a seating capacity for not more than fifteen persons, in-
4 cluding the driver:

5 (a) Chapter twenty-four-a of this code pertaining to the
6 regulation of common carriers of any kind or description by
7 the public service commission;

8 (b) Laws and regulations containing insurance require-
9 ments that are specifically applicable to common carriers or
10 commercial vehicles: *Provided*, That with respect to any
11 private or individually owned motor vehicle designed for a
12 normal passenger capacity, including the driver thereof, of
13 no more than six persons, prior to, and continuing during the
14 term of such use, the use of any such motor vehicle for any
15 ridesharing arrangement under the provisions of this article,
16 such motor vehicle shall be insured for liability arising out
17 of the ownership, operation, maintenance or use thereof
18 in the amount of twenty thousand dollars because of bodily
19 injury to or death of one person in any one accident, and,
20 subject to said limit for one person, in the amount of forty
21 thousand dollars because of bodily injury to or death of
22 two or more persons in any one accident, and in the amount of
23 ten thousand dollars because of injury to or destruction of
24 property of others in any one accident, and in the case of any
25 other motor vehicle to be used for any ridesharing arrange-
26 ment under the provisions of this article, all such motor vehicles

27 prior to such use, and continuing during the term of such use,
28 shall be insured for liability arising out of the ownership,
29 operation, maintenance or use thereof in the amount of one
30 hundred thousand dollars because of bodily injury to or death
31 of one person in any one accident, and, subject to said limit
32 for one person, in the amount of three hundred thousand dol-
33 lars because of bodily injury to or death of two or more
34 persons in any one accident, and in the amount of twenty five
35 thousand dollars because of injury to or destruction of property
36 of others in any one accident and insured for medical pay
37 coverage of not less than ten thousand dollars.

38 (c) Laws imposing a greater standard of care on common
39 carriers or commercial vehicles than that imposed on other
40 drivers or owners of motor vehicles;

41 (d) Laws and regulations with equipment requirements and
42 special accident reporting requirements that are specifically
43 applicable to common carriers or commercial vehicles; and

44 (e) Laws imposing a tax on fuel purchased in another state
45 by a common carrier or road use taxes on commercial buses.

§17C-22-3. Workmen's compensation law does not apply to ride-sharing; exceptions thereto.

1 Chapter twenty-three of this code providing compensation
2 for workers injured during the course of their employment
3 shall not apply to a person injured while participating in a
4 ridesharing arrangement between his or her place of residence
5 and place of employment or termini near such places:
6 *Provided*, That if the employer owns, leases or contracts for
7 the motor vehicle used in such arrangement, chapter twenty-
8 three shall apply.

§17C-22-4. Liability of employer.

1 (a) An employer shall not be liable for injuries to passen-
2 gers and other persons resulting from the operation or use
3 of a motor vehicle, not owned, leased or contracted for by
4 the employer, in a ridesharing arrangement.

5 (b) An employer shall not be liable for injuries to
6 passengers and other persons because he provides information,

7 incentives or otherwise encourages his employees to participate
8 in ridesharing arrangements.

§17C-22-5. County or municipal licenses and taxes.

1 No county or municipal corporation may impose a tax on,
2 or require a license for, a ridesharing arrangement using a
3 motor vehicle with a seating capacity for not more than fifteen
4 persons, including the driver.

§17C-22-6. Overtime compensation and minimum wage law.

1 The mere fact that an employee participates in any kind
2 of ridesharing arrangement shall not result in the application
3 of chapter twenty-one of this code, requiring payment of a
4 minimum wage, overtime pay or otherwise regulating the
5 hours a person may work.

§17C-22-7. Certain ridesharing vehicles are not commercial vehicles or buses; exemption from registration; driver not chauffeur.

1 (a) A motor vehicle used in a ridesharing arrangement
2 that has a seating capacity for not more than fifteen persons,
3 including the driver, shall not be a "bus" for purposes
4 of equipment requirements or rules of the road.

5 (b) A motor vehicle used in a ridesharing arrangement
6 that has a seating capacity for not more than fifteen
7 persons, including the driver, shall not be a "bus" or other
8 motor vehicle operated as a common carrier or contract
9 carrier under the provisions of section one, article ten, chapter
10 seventeen-a of this code relating to registration.

11 (c) The driver of a passenger car, motor vehicle that
12 has a seating capacity for not more than fifteen persons,
13 including the driver, used in a ridesharing arrangement is not
14 a "chauffeur" nor is he transporting persons for compensation
15 under the driver licensing provisions of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence T. Chestnut Jr
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Walsh
Clerk of the Senate

Cl Blankenship
Clerk of the House of Delegates

W. B. Brantley
President of the Senate

Clyde M. Lee Jr
Speaker House of Delegates

The within *passed* this the *24*
day of *March*, 1980.

John S. Doyne
Governor

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