

AMENDED IN SENATE JULY 2, 2015
AMENDED IN ASSEMBLY MAY 13, 2015
AMENDED IN ASSEMBLY APRIL 29, 2015
AMENDED IN ASSEMBLY APRIL 23, 2015
AMENDED IN ASSEMBLY APRIL 14, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1360

**Introduced by Assembly Member Ting
(Coauthors: Assembly Members Chang, Gatto, and Wilk)**

February 27, 2015

An act to amend Section 5401 of the Public Utilities Code, relating to charter-party carriers of passengers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Ting. Charter-party carriers of passengers: individual fare exemption.

The Passenger Charter-Party Carriers' Act generally requires charges for transportation offered or afforded by a charter-party carrier of passengers to be computed and assessed on a vehicle mileage or time-of-use basis, rather than on an individual-fare basis, subject to certain exemptions.

This bill would also exempt from these provisions a ~~rideshare program~~ *service* operated by a transportation network company *or a charter-party carrier of passengers* that prearranges a ride among multiple passengers who share the ride in whole or in part, provided that the vehicle seats no more than 7 passengers, not including the driver, is operated by a

participating driver, as defined, is not used to provide public transit services or carry passengers over a fixed route, ~~and~~ is not used to provide pupil transportation services or public paratransit services, and the fare for each passenger is less than the fare that would be charged to a ~~single~~ passenger traveling alone.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5401 of the Public Utilities Code is
2 amended to read:

3 5401. Charges for the transportation to be offered or afforded
4 by a charter-party carrier of passengers shall be computed and
5 assessed on a vehicle mileage or time of use basis, or on a
6 combination thereof. These charges may vary in accordance with
7 the passenger capacity of the vehicle, or the size of the group to
8 be transported. However, no charter-party carrier of passengers
9 shall, directly or through an agent or otherwise, nor shall any
10 broker, contract for, agree to, or demand or receive compensation
11 in an amount, or arrange to charge an amount, for the transportation
12 offered or afforded, that shall be computed on an individual-fare
13 basis, except as follows:

14 (a) Schoolbus contractors who are compensated by parents of
15 children attending public, private, or parochial schools.

16 (b) Operators of round-trip sightseeing tour services conducted
17 under a certificate subject to Section 5371.1, or a permit issued
18 pursuant to subdivision (c) of Section 5384.

19 (c) (1) ~~A rideshare program~~ *service* operated by a transportation
20 network company *or charter-party carrier of passengers* subject
21 to this chapter that prearranges a ride among multiple passengers
22 who share the ride in whole or in part, provided that all of the
23 following requirements are met:

24 (A) The vehicle seats no more than seven passengers, not
25 including the driver.

26 (B) The driver is a participating driver as defined in subdivision
27 (b) of Section 5431.

28 (C) The vehicle is not used to provide public transit services or
29 to carry passengers over a fixed route.

1 (D) The vehicle is not used to provide pupil transportation
2 services.

3 (E) The vehicle is not used to provide public paratransit services.

4 (F) The individual fare for each passenger is less than the fare
5 that would be charged for the same ride to a ~~single~~ passenger
6 traveling alone.

7 (2) This subdivision does not change the insurance requirements
8 established under Section 5433 for a transportation network
9 company and any participating driver. This subdivision does not
10 change the insurance limitations set forth in Section 5434 or the
11 requirements set forth in Section 5435.

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