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**SB-1080 Transportation network companies: driver requirements and identification.** (2017-2018)

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**Senate Bill No. 1080**

**CHAPTER 511**

An act to add Section 5445.3 to the Public Utilities Code, relating to transportation.

[ Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1080, Roth. Transportation network companies: driver requirements and identification.

(1) The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission and imposes various other requirements. The act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. The act also defines a participating driver or driver as any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers. Existing law also provides that a violation of the act is a crime.

This bill would require a participating driver to possess either a valid driver's license issued by the State of California or, in the case of a nonresident active duty military member or a nonresident dependent of an active duty military member, a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident. The bill would also require a transportation network company to comply with specified provisions of the act, obtain and review the driving history report from the state or territory of the United States that issued the individual's driver's license before permitting a nonresident active duty military member or a nonresident dependent of an active duty military member to act as a participating driver, and to ensure that the driver satisfies all requirements applicable to participating drivers, including, but not limited to, the regulations of the commission and the applicable requirements of the Vehicle Code.

The bill would also require a transportation network company to notify all participating drivers of the applicability of the Vehicle Code and of the code's availability, including, in particular, specified sections of the code relating to the hands-free device laws, the "Three Feet for Safety Act," and the rules of the road relating to schoolbuses, to all participating drivers, either on the transportation network company's Internet Web site or on its application.

By creating new crimes, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 5445.3 is added to the Public Utilities Code, to read:

**5445.3.** (a) A participating driver is required to possess either of the following:

(1) A valid driver's license issued by the State of California.

(2) (A) In the case of a nonresident active duty military member or a nonresident dependent of an active duty military member, a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident.

(B) A transportation network company shall comply with the provisions of Section 5445.2 and obtain and review the driving history report from the state or territory of the United States that issued the individual's driver's license before permitting a nonresident active duty military member or a nonresident dependent of an active duty military member to act as a participating driver and shall ensure that the driver satisfies all requirements applicable to participating drivers, including, but not limited to, the regulations of the commission and the applicable requirements of the Vehicle Code.

(b) A transportation network company shall notify all participating drivers of the applicability of the Vehicle Code and of the code's availability, including, in particular, Sections 23123 and 23123.5 (relating to the hands-free device laws), Section 21760 (the "Three Feet for Safety Act), and Section 22454 (relating to rules of the road relating to schoolbuses), of the Vehicle Code, to all participating drivers, either on the transportation network company's Internet Web site or on its application.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.