

**GROUND TRANSPORTATION SERVICES**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaVar Christensen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to ground transportation.

**Highlighted Provisions:**

This bill:

▶ enacts provisions related to a ground transportation business or ground transportation vehicle, including licensing, insurance, and background check requirements.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53-3-1101**, Utah Code Annotated 1953

**53-3-1102**, Utah Code Annotated 1953

**53-3-1103**, Utah Code Annotated 1953

**53-3-1104**, Utah Code Annotated 1953

**53-3-1105**, Utah Code Annotated 1953

**53-3-1106**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53-3-1101** is enacted to read:

30 **CHAPTER 3. GROUND TRANSPORTATION ACT**

31 **53-3-1101. Title.**

32 This chapter is known as the "Ground Transportation Act."

33 Section 2. Section **53-3-1102** is enacted to read:

34 **53-3-1102. Definitions.**

35 (1) "Ground transportation business" means a business that transports passengers by  
36 the operation of a ground transportation vehicle.

37 (2) (a) "Ground transportation vehicle" means a motor vehicle used to transport 15 or  
38 fewer passengers over public highways for commercial purposes.

39 (b) "Ground transportation vehicle" includes:

40 (i) a ride share or peer-to-peer provider, or on-demand or for-hire transportation; or

41 (ii) a limousine, a taxicab, or a shared ride vehicle.

42 Section 3. Section **53-3-1103** is enacted to read:

43 **53-3-1103. Restrictions on ground transportation businesses and vehicles.**

44 (1) A ground transportation business or ground transportation vehicle owner or driver  
45 may not require a passenger, as a condition to providing transportation, to:

46 (a) waive any legal rights;

47 (b) indemnify a ground transportation business or ground transportation vehicle owner  
48 or driver from liability; or

49 (c) covenant not to sue a ground transportation business or ground transportation  
50 vehicle owner or driver.

51 (2) A ground transportation business or ground transportation vehicle owner or driver  
52 may not make any use of, or convey to any other person, personal information, whether from  
53 social media or otherwise, about a passenger except for information related to the  
54 transportation or potential transportation of the passenger.

55 (3) A ground transportation business or ground transportation vehicle owner or driver  
56 may not require a passenger to agree to arbitration in a state other than Utah.

57 (4) Every ground transportation business shall have a registered office with an agent in  
58 the state who is responsible for passenger inquiries, complaints, and the monitoring of the

59 transportation being provided to passengers, and who is appointed and authorized to accept  
60 service of process on behalf of the ground transportation business and any of the business's  
61 ground transportation vehicle owners or drivers.

62 (5) (a) A ground transportation business shall clearly disclose to the passenger the rate  
63 the business charges before the passenger is transported.

64 (b) No surge in the rate charged for transportation, based on demand, may exceed  
65 \$4.50 per mile.

66 (6) A ground transportation vehicle shall display an exterior marking that identifies the  
67 ground transportation vehicle as a vehicle for hire.

68 (7) (a) A ground transportation vehicle shall be covered by motor vehicle liability  
69 insurance when the ground transportation vehicle is available for or is being used for the  
70 transportation of a passenger.

71 (b) The motor vehicle liability insurance described in Subsection (7)(a) shall cover  
72 bodily injury and property damage at the minimum levels of coverage for vehicles with a  
73 seating capacity of 15 or fewer passengers, as described in 49 C.F.R. 387.33.

74 (c) A ground transportation vehicle shall be covered by uninsured motorist coverage, as  
75 described in Subsection [31A-22-305\(5\)\(b\)\(i\)](#).

76 (d) A ground transportation business shall provide to the division proof of the  
77 insurance coverage described in Subsections (7)(b) and (c) and of any notice of cancellation or  
78 reduction of insurance coverage, as a condition to licensing.

79 (e) In the event that the insurance coverage described in Subsections (7)(b) and (c) is  
80 cancelled or reduced below the minimum requirements, the ground transportation business  
81 shall immediately discontinue the operation of all ground transportation vehicles until the  
82 required insurance coverage is obtained and verified by the division.

83 (f) A ground transportation vehicle driver shall carry proof of the insurance coverage  
84 with the driver during the driver's use of the vehicle for ground transportation services.

85 (g) In the event of a motor vehicle accident, a ground transportation vehicle driver shall  
86 provide the proof of insurance coverage described in Subsection (7)(b) to any other party  
87 involved in the accident and to any peace officer.

88 Section 4. Section **53-3-1104** is enacted to read:

89 **53-3-1104. Licensing.**

90 (1) The driver of a ground transportation vehicle, before driving on behalf of a ground  
91 transportation business, shall obtain a license to operate a ground transportation vehicle from:

92 (a) the division; and

93 (b) a county or a municipality that requires a license to operate a ground transportation  
94 vehicle.

95 (2) The division shall issue an annual license to a driver of a ground transportation  
96 vehicle who:

97 (a) obtains a class D license with a taxicab endorsement;

98 (b) obtains adequate insurance coverage, as described in Subsection 53-3-1103(7); and

99 (c) clears a criminal background check, as described in Section 53-3-1105.

100 (3) A ground transportation business or ground transportation vehicle owner or driver  
101 shall display the ground transportation license described in Subsection (2) in the vehicle in  
102 plain view while operating the vehicle as a ground transportation vehicle.

103 (4) A ground transportation business or ground transportation vehicle owner or driver  
104 shall exhibit the license described in Subsection (2) upon demand by a peace officer, an  
105 authorized agent of the division, or any other person authorized to enforce the provisions of  
106 this chapter or a local regulatory act relating to a ground transportation vehicle.

107 Section 5. Section 53-3-1105 is enacted to read:

108 **53-3-1105. Criminal background checks.**

109 (1) A ground transportation vehicle driver shall submit fingerprints in a form  
110 acceptable to the division at the time the driver applies for a license or a license renewal under  
111 Section 53-3-1104 and shall consent to a fingerprint background check by the Utah Bureau of  
112 Criminal Identification and the Federal Bureau of Investigation.

113 (2) The division shall request that the Department of Public Safety complete a Federal  
114 Bureau of Investigation criminal background check for a ground transportation driver license  
115 through the national criminal history system or any successor system.

116 (3) The Utah Bureau of Criminal Identification shall release to the division all  
117 information received in response to the division's request under Subsection (2).

118 (4) The division shall deny a license to a ground transportation driver if the driver has  
119 been convicted of a crime within five years before the day on which the ground transportation  
120 driver submits an application for a license or a license renewal that indicates a potential risk for

121 the safety or well-being of passengers.

122 (5) A ground transportation driver convicted of an offense described in Subsection (4),  
123 while licensed, shall immediately cease driving a ground transportation vehicle on behalf of a  
124 ground transportation business until the charge of the disqualifying offense is dismissed on  
125 appeal or until five years have elapsed since the day on which the conviction was entered.

126 Section 6. Section **53-3-1106** is enacted to read:

127 **53-3-1106. Revocation.**

128 The division shall revoke the license of a ground transportation business or ground  
129 transportation vehicle owner or driver if the ground transportation business or ground  
130 transportation vehicle owner or driver fails to comply with a provision in this chapter.

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**Legislative Review Note**  
**as of 3-2-15 8:51 AM**

**Office of Legislative Research and General Counsel**