

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2763

Introduced by Assembly Member Gatto

February 19, 2016

An act to amend Section ~~1001~~ 5431 of the Public Utilities Code, relating to ~~public utilities~~: *transportation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2763, as amended, Gatto. ~~Public utilities: certificates of public convenience and necessity. Transportation network companies: personal vehicles.~~

The Passenger Charter-party Carriers' Act provides for the regulation of charter-party carriers of passengers by the Public Utilities Commission and includes specific requirements for liability insurance coverage for transportation network companies, which are defined as certain organizations that, using an online-enabled application or platform, connect passengers with drivers using a personal vehicle.

This bill would define a personal vehicle as a vehicle that is used by a participating driver to provide prearranged transportation services for compensation, is owned, leased, rented, or otherwise authorized for use for any period of time by the participating driver, meets all inspection and other safety requirements imposed by the commission, and is not a taxicab or a limousine.

~~The Public Utilities Act empowers the Public Utilities Commission with regulatory authority over public utilities, including gas corporations, as defined. The act defines "gas plant" for purposes of the act, unless the context requires otherwise, to include all real estate, fixtures, and personal property, owned, controlled, operated, or managed in~~

connection with or to facilitate the production, generation, transmission, delivery, underground storage, or furnishing of gas, natural or manufactured, except propane, for light, heat, or power.

The Public Utilities Act prohibits any gas corporation from beginning the construction of, among other things, a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require that construction.

This bill would explicitly include language in the provisions specific to the issuance of these certificates reiterating that the definition of gas plant, described above, applies to those provisions. This bill would make other nonsubstantive changes.

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 5431 of the Public Utilities Code is
2 amended to read:

3 5431. (a) As used in this article, a “transportation network
4 company” is

5 5431. For purposes of this article, the following terms have
6 the following meanings:

7 (a) “Participating driver” or “driver” means any person who
8 uses a vehicle in connection with a transportation network
9 company’s online-enabled application or platform to connect with
10 passengers.

11 (b) “Personal vehicle” means a vehicle that is used by a
12 participating driver to provide prearranged transportation services
13 for compensation, is owned, leased, rented, or otherwise authorized
14 for use for any period of time by the participating driver, meets
15 all inspection and other safety requirements imposed by the
16 commission, and is not a taxicab or limousine.

17 (c) “Transportation network company” means an organization,
18 including, but not limited to, a corporation, limited liability
19 company, partnership, sole proprietor, or any other entity, operating
20 in California that provides prearranged transportation services for
21 compensation using an online-enabled application or platform to
22 connect passengers with drivers using a personal vehicle.

1 ~~(b) As used in this article, “participating driver” or “driver” is~~
2 ~~any person who uses a vehicle in connection with a transportation~~
3 ~~network company’s online-enabled application or platform to~~
4 ~~connect with passengers.~~

5 ~~(e) As used in this article, “transportation~~

6 ~~(d) “Transportation network company insurance” is means a~~
7 ~~liability insurance policy that specifically covers liabilities arising~~
8 ~~from a driver’s use of a vehicle in connection with a transportation~~
9 ~~network company’s online-enabled application or platform.~~

10 ~~SECTION 1. Section 1001 of the Public Utilities Code is~~
11 ~~amended to read:~~

12 ~~1001. (a) No railroad corporation whose railroad is operated~~
13 ~~primarily by electric energy, street railroad corporation, gas~~
14 ~~corporation, electrical corporation, telegraph corporation, telephone~~
15 ~~corporation, water corporation, or sewer system corporation shall~~
16 ~~begin the construction of a street railroad, or of a line, plant, or~~
17 ~~system, or of any extension thereof, without having first obtained~~
18 ~~from the commission a certificate that the present or future public~~
19 ~~convenience and necessity require or will require the construction.~~

20 ~~(b) This article shall not be construed to require any such~~
21 ~~corporation to secure such a certificate for an extension within any~~
22 ~~city or city and county within which it has previously lawfully~~
23 ~~commenced operations, or for an extension into territory either~~
24 ~~within or without a city or city and county contiguous to its street~~
25 ~~railroad, or line, plant, or system, and not previously served by a~~
26 ~~public utility of like character, or for an extension within or to~~
27 ~~territory already served by it, necessary in the ordinary course of~~
28 ~~its business.~~

29 ~~(c) If any public utility, in constructing or extending its line,~~
30 ~~plant, or system, interferes or is about to interfere with the~~
31 ~~operation of the line, plant, or system of any other public utility~~
32 ~~or of the water system of a public agency, already constructed, the~~
33 ~~commission, on complaint of the public utility or public agency~~
34 ~~claiming to be injuriously affected, may, after hearing, make such~~
35 ~~order and prescribe such terms and conditions for the location of~~
36 ~~the lines, plants, or systems affected as to it may seem just and~~
37 ~~reasonable.~~

- 1 ~~(d) For purposes of this article, “gas plant” shall have the same~~
- 2 ~~meaning as specified in Section 221.~~

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