

An Act

ENROLLED SENATE
BILL NO. 999

By: Bergstrom of the Senate

and

Frix of the House

An Act relating to transportation; creating the Oklahoma Courier Application Services Act; providing definitions; excluding motor carrier classification for certain entities and people; requiring courier service implement zero-tolerance policy for drugs or alcohol; requiring services suspend access and conduct investigation in certain circumstance; requiring applicants submit certain information to courier service; prohibiting courier service from hiring certain persons; requiring updates; requiring certain equipment standards be met by courier application service drivers; providing for codification; and providing an effective date.

SUBJECT: Courier services

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Courier Application Services Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1051 of Title 47, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Courier Application Services Act:

A. "Digital network" means any online-enabled application, software, website or system offered or utilized by a courier application service (CAS) that enables the prearrangement of courier services with CAS drivers.

B. "Personal vehicle" means a vehicle that is used by a CAS driver in connection with providing courier services and is:

1. Owned, leased or otherwise authorized for use by the CAS driver; and

2. Has an actual weight of less than eight thousand (8,000) pounds; and

3. Has no more than two axles or axle combination.

C. "Courier application services (CAS)" means a business entity operating in Oklahoma that uses a digital network to connect business entities including itself, its affiliates or people to CAS drivers for the purpose of providing courier services on an on-demand basis. Courier services are provided on an on-demand basis if the CAS drivers are free to accept or reject courier requests and the CAS does not require the CAS driver to accept any specific delivery request as a condition of maintaining access to the CAS digital network. A CAS does not provide other for-hire motor carrier services. A CAS shall not be deemed to control, direct or manage the personal vehicles or participating drivers that connect to its digital network, except where agreed to by written contract.

D. "Courier application service driver (CAS driver)" means an individual who uses a personal vehicle to provide courier services for business or people upon connection through a digital network controlled by a CAS in return for compensation or payment of a fee.

E. "Courier service" means the for-hire transportation of property in a personal vehicle, with each individual piece of property weighing less than one hundred (100) pounds, beginning either when:

1. A CAS driver accepts a courier request through a digital network controlled by a CAS; or

2. If a CAS driver accepts such courier request for delivery during a fixed block of time, when the CAS driver picks up the property for delivery.

The courier service continues while the CAS driver is actively transporting the requested property to the recipient and ends when the property has been delivered. A courier service does not include shared expense or transporting property not for profit, or other for-hire motor carrier operations authorized by the laws of this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1052 of Title 47, unless there is created a duplication in numbering, reads as follows:

Courier application service companies or courier application service drivers shall not be considered motor carriers of property, nor shall CAS or CAS drivers be considered for-hire motor carrier, as defined in Section 230.23 of Title 47 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1053 of Title 47, unless there is created a duplication in numbering, reads as follows:

Courier application service companies shall implement a zero-tolerance policy against CAS drivers operating under the influence of drugs or alcohol while providing courier services and shall provide notice of this policy on its digital network. Upon receipt of a credible complaint alleging a violation of the zero-tolerance policy, the CAS shall suspend the CAS driver's access to the CAS's digital network and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1054 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Prior to permitting an individual to act as a courier application service driver on its digital network, the courier application service shall require the individual to submit to the CAS information regarding his or her address, age, driver license and other information required by the CAS.

B. A CAS shall not knowingly permit an individual to act as a CAS driver on its digital network who:

1. Does not possess a valid driver license;
2. Does not possess current proof of motor vehicle registration for the motor vehicles used to provide courier services; and
3. Is not at least eighteen (18) years of age.

C. Every CAS operating in this state shall implement a procedure for periodic information updates to ensure continued compliance by each driver with the requirements of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1055 of Title 47, unless there is created a duplication in numbering, reads as follows:

Every courier application service shall require that any motor vehicles that a CAS driver will use to provide courier services meets the equipment standards required of private motor vehicles under Section 12-101 et seq. of Title 47 of the Oklahoma Statutes.

SECTION 7. This act shall become effective November 1, 2021.

Passed the Senate the 4th day of May, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____