

CHAPTER 8-02 CARRIAGE OF PERSONS

8-02-01. Gratuitous carrier - Degree of care required. A carrier of persons without reward shall use ordinary care and diligence for their safe carriage, except as the carrier's liability is limited by the provisions of title 39.

8-02-02. Carrier for reward - Degree of care required. A carrier of persons for reward shall use the utmost care and diligence for their safe carriage, shall provide everything necessary for that purpose, and shall exercise to that end a reasonable degree of skill.

8-02-03. Safe vehicles required. A carrier of persons for reward shall provide vehicles safe and fit for the purposes to which they are put and is not excused for default in this respect by any degree of care.

8-02-04. Overloading prohibited. A carrier of persons for reward must not overcrowd nor overload the vehicle used for carriage.

8-02-05. Treatment of passengers. A carrier of persons for reward shall give to passengers all such accommodations as are usual and reasonable and must treat them with civility and give them a reasonable degree of attention.

8-02-06. Rate of speed - Delays. A carrier of persons for reward shall travel at a reasonable rate of speed without any unreasonable delay or deviation from the proper route.

8-02-07. Ridesharing arrangement - Definition.

1. "Carpool" means a ridesharing arrangement in a private passenger automobile or station wagon by two or more persons, regardless of their relationship to each other, to and from common or nearby employment sites. The term includes:
 - a. Shared-driving, in which the car of each person in the arrangement is used and alternated on an agreed-upon schedule; and
 - b. Shared-riding, in which the same car is used during the arrangement and each member contributes an agreed-upon amount to compensate for the cost of operating the pool.
2. "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of the driver or owner and is not provided for pecuniary gain. The term shall include ridesharing arrangements known as carpools and vanpools.
3. "Vanpool" means a ridesharing arrangement by a prearranged membership group whose members are picked up at specified points to be taken to and from common or nearby employment sites. The vanpool members each contribute an agreed-upon amount to compensate for the cost of operating the pool, the motor vehicle used is other than a passenger automobile or station wagon, and is manufactured and equipped to carry not more than fifteen persons, including the driver. The vanpool may be owner-operated or employer-sponsored.

8-02-08. Safety standards for passenger contract carriers - Penalty.

1. The highway patrol shall establish minimum safety standards for passenger contract carriers transporting fewer than fifteen passengers. The safety standards must include provisions for driver qualifications; motor vehicle inspection, maintenance, and repair; hours of service; drug and alcohol testing; and insurance. Insurance safety standards for contract carriers that carry employees by contract with the

employer must include uninsured and underinsured motorist coverage of not less than one million dollars per occurrence for the benefit of the passengers being transported. Coverage may be satisfied through a primary or an excess policy.

2. The highway patrol shall issue a permit to a passenger contract carrier transporting fewer than fifteen passengers which provides proof of compliance with the safety standards.
3. A person may not engage in the business of a passenger contract carrier transporting fewer than fifteen passengers without obtaining and displaying in each vehicle a permit issued under this section.
4. In this section, "contract carrier" means a person engaged in the business of carrying passengers for hire and in that business does not operate on a fixed route. The term does not include a person who makes a single daily round trip to commute to and from work, a person transporting only schoolchildren and teachers, a person operating ambulance or funeral services, a person who on occasion and not as a regular business enterprise transports one or more passengers for pay, a person operating stretched sedan-type limousines, nor a person operating a taxicab service using vehicles with a seating capacity of fewer than seven passengers.
5. A contract carrier that willfully violates this section or rules adopted to implement this section is guilty of an infraction.