

1 application service until the moment the transportation network
2 company driver logs off the digital network or software
3 application service or until the ride is complete and the
4 passenger exits the transportation network company driver's
5 vehicle, whichever is later.

6 "Transportation network company driver" means an individual
7 who operates a motor vehicle to transport a passenger between
8 points chosen by the passenger and prearranged through a
9 transportation network company; provided that the motor vehicle
10 is:

- 11 (1) Owned, leased, or otherwise authorized for use by the
12 individual;
- 13 (2) Not a taxicab or for-hire vehicle; and
- 14 (3) Used in transportation network company activity.

15 § -2 Relation to other laws. Neither a transportation
16 network company nor a transportation network company driver
17 shall be deemed to be a common carrier by motor vehicle, a
18 contract carrier by motor vehicle, a motor carrier as defined in
19 section 271-4, a taxicab, or a for-hire vehicle service.

20 § -3 Duration of fare. A transportation network company
21 fare shall be deemed to:



1 (1) Commence when a transportation network company driver
2 accepts a request for transportation received through
3 the transportation network company's digital network
4 or software application service;

5 (2) Continue while the transportation network company
6 driver transports the passenger in the transportation
7 network company driver's vehicle; and

8 (3) Conclude when the passenger exits the transportation
9 network company driver's vehicle.

10 § -4 Transportation network company and transportation
11 network company driver; insurance requirements. (a) A
12 transportation network company shall disclose in writing to
13 transportation network company drivers, as part of the
14 transportation network company's agreement with those drivers:

15 (1) The insurance coverage and limits of liability that
16 the transportation network company provides while the
17 transportation network company driver uses a vehicle
18 during transportation network company activity; and

19 (2) That the transportation network company driver's
20 personal automobile insurance policy might not provide
21 any required or optional coverage because the



1 transportation network company driver uses a vehicle
2 during transportation network company activity.

3 (b) A transportation network company and any
4 transportation network company driver shall maintain a primary
5 motor vehicle insurance policy that shall be in effect during
6 transportation network company activity. The primary motor
7 vehicle insurance policy required under this subsection shall
8 include:

- 9 (1) Primary liability coverage of not less than \$100,000
10 per person, with an aggregate limit of \$200,000 per
11 accident, for all damages arising out of accidental
12 harm sustained as a result of any one accident and
13 arising out of ownership, maintenance, use, loading,
14 or unloading of a motor vehicle;
- 15 (2) Primary liability coverage of not less than \$50,000
16 for all damages arising out of damage to or
17 destruction of property including motor vehicles and
18 including the loss of use thereof, but not including
19 property owned by, being transported by, or in the
20 charge of the insured, as a result of any one accident



- 1 arising out of ownership, maintenance, use, loading,
2 or unloading, of the insured vehicle;
- 3 (3) Uninsured and underinsured motorist coverage for the
4 transportation network company driver and passengers
5 that shall be equal to the primary liability limits
6 specified in paragraphs (1) and (2);
- 7 (4) Personal injury protection coverage in an amount that
8 meets the requirements of section 431:10C-103.5 and
9 shall be equal to or greater than the coverage limits
10 for the personal automobile insurance maintained by
11 the vehicle's owner and reported to the transportation
12 network company; and
- 13 (5) Collision and comprehensive coverage limits for the
14 transportation network company driver's vehicle that
15 shall be equal to or greater than the coverage limits
16 for the personal automobile insurance maintained by
17 the vehicle's owner and reported to the transportation
18 network company.
- 19 (c) The requirements for the coverage specified in
20 subsection (b) may be satisfied by any of the following:



- 1 (1) Motor vehicle insurance maintained by a transportation
2 network company driver, but only if the transportation
3 network company verifies that the policy is maintained
4 by the transportation network company driver and is
5 specifically written to cover the transportation
6 network company driver's use of a vehicle in
7 connection with a transportation network company's
8 digital network or software application service;
- 9 (2) Motor vehicle insurance maintained by a transportation
10 network company; or
- 11 (3) Any combination of paragraphs (1) and (2).
- 12 (d) The insurer providing insurance under this section
13 shall have the duty to defend and indemnify the insured.
- 14 (e) Coverage under a transportation network company
15 insurance policy shall not be dependent on a personal automobile
16 insurance policy first denying a claim nor shall a personal
17 automobile insurance policy, including a personal liability
18 umbrella policy, be required to first deny a claim.
- 19 (f) In every instance where motor vehicle insurance
20 maintained by a transportation network company driver to fulfill
21 the insurance obligations of this section has lapsed or ceased



1 to exist, the transportation network company shall provide the
2 coverage required by this section beginning with the first
3 dollar of a claim.

4 (g) Nothing in this section shall be construed to require
5 a personal automobile insurance policy to provide primary or
6 excess coverage during transportation network company activity.
7 During transportation network company activity, and
8 notwithstanding any other law to the contrary, the following
9 shall apply:

10 (1) The transportation network company driver's or the
11 vehicle owner's personal automobile insurance policy
12 shall not be required to provide, nor shall it
13 provide, any coverage to any person or entity unless
14 the policy expressly provides for that coverage during
15 transportation network company activity, with or
16 without a separate charge, or the policy contains an
17 amendment or endorsement to provide coverage for
18 transportation network company activity, for which a
19 separately stated premium is charged; and

20 (2) The transportation network company driver's or the
21 vehicle owner's personal automobile insurance policy



1 shall not have the duty to defend or indemnify for the
2 driver's activities in connection with the
3 transportation network company, unless the policy
4 expressly provides otherwise for transportation
5 network company activity, with or without a separate
6 charge, or the policy contains an amendment or
7 endorsement to provide coverage for transportation
8 network company activity, for which a separately
9 stated premium is charged.

10 (h) Notwithstanding any other law to the contrary, a
11 personal automobile insurer may, at its discretion, offer an
12 automobile liability insurance policy, or an amendment or
13 endorsement to an existing policy that covers a private
14 passenger vehicle, station wagon type vehicle, sport utility
15 vehicle, or similar type of vehicle with a passenger capacity of
16 eight persons or less, including the driver, while used in
17 connection with a transportation network company activity if the
18 policy expressly provides for the coverage of transportation
19 network company activity, with or without a separate charge, or
20 the policy contains an amendment or an endorsement to provide



1 coverage for transportation network company activity, for which
2 a separately stated premium may be charged.

3 (i) In a claims coverage investigation, a transportation
4 network company or its insurer shall cooperate with insurers
5 that are involved in the claims coverage investigation to
6 facilitate the exchange of information, including the provision
7 of dates and times at which an accident occurred that involved a
8 transportation network company driver and the precise times that
9 the transportation network company driver logged on and off the
10 transportation network company's digital network or software
11 application service.

12 (j) A transportation network company driver shall carry
13 proof of insurance coverage as required by this section within
14 the vehicle at all times when the vehicle is being used in
15 transportation network company activity. In the event of an
16 accident, a transportation network company driver shall provide
17 this insurance coverage information to any other party involved
18 in the accident and to a police officer, upon request.

19 (k) Notwithstanding any other law affecting whether one or
20 more policies of insurance that may apply with respect to an
21 occurrence is primary or excess, this section shall determine



1 the obligations under insurance policies issued to
2 transportation network companies and, if applicable,
3 transportation network company drivers using a vehicle in
4 connection with a transportation network company activity.

5 § -5 Records. (a) A transportation network company
6 shall maintain:

7 (1) Global positioning system records and electronic
8 records of transportation network company activity for
9 each individual trip provided by a transportation
10 network company driver for at least five years from
11 the date each trip was provided; and

12 (2) Transportation network company driver records at least
13 until the five year anniversary of the date on which a
14 transportation network company driver's activation on
15 the transportation network company digital network or
16 software application service has ended.

17 (b) Records maintained under this section shall be made
18 readily available for purposes of a claims coverage
19 investigation pursuant to section -4(i) or resolving any
20 other dispute related to transportation network company activity



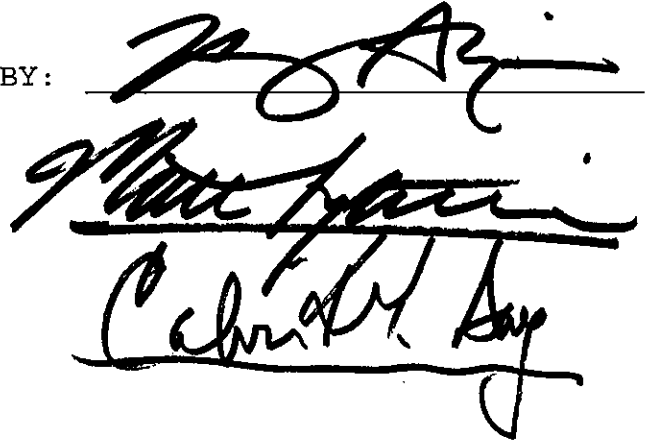
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1 no later than ten days after receipt of a written request for
2 such record."

3 SECTION 2. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:



JAN 22 2016



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Report Title:

Transportation Network Companies; Transportation Network Company Drivers; Motor Vehicle Insurance

Description:

Establishes motor vehicle insurance requirements for transportation network companies and persons who operate or serve as drivers for transportation network companies.

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