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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
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The Committee on Appropriations (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 132 - 241

and insert:

(a) "Digital network" means an online-enabled application, software, website, or system offered or used by a transportation network company which enables the prearrangement of rides with transportation network company drivers.

(b) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with



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11 providing transportation network company service and that:

12 1. Is owned, leased, or otherwise authorized for use by the
13 transportation network company driver; and

14 2. Is not a taxi, jitney, limousine, or for-hire vehicle as
15 defined in s. 320.01(15).

16 (c) "Prearranged ride" means the provision of
17 transportation by a driver to or on behalf of a rider, beginning
18 when a driver accepts a ride requested by a rider through a
19 digital network controlled by a transportation network company,
20 continuing while the driver transports the rider, and ending
21 when the last rider departs from the personal vehicle. A
22 prearranged ride does not include transportation provided using
23 a taxi, jitney, limousine, for-hire vehicle as defined in s.
24 320.01(15), or street hail services.

25 (d) "Transportation network company" or "company" means a
26 corporation, partnership, sole proprietorship, or other entity
27 operating in this state which uses a digital network to connect
28 transportation network company riders to transportation network
29 company drivers who provide prearranged rides. A transportation
30 network company may not be deemed to control, direct, or manage
31 the personal vehicles or transportation network company drivers
32 that connect to its digital network, unless agreed to in a
33 written contract. A transportation network company does not
34 include an individual, corporation, partnership, sole
35 proprietorship, or other entity arranging nonemergency medical
36 transportation for individuals qualifying for Medicaid or
37 Medicare pursuant to a contract with the state or a managed care
38 organization.

39 (e) "Transportation network company driver" or "driver"



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40 means an individual who:

41 1. Receives connections to potential riders and related
42 services from a transportation network company in exchange for
43 any form of compensation, including payment of a fee to the
44 transportation network company; and

45 2. Uses a personal vehicle to offer or provide a
46 prearranged ride to riders upon connection through a digital
47 network controlled by a transportation network company in return
48 for compensation, including payment of a fee.

49 (f) "Transportation network company rider" or "rider" means
50 an individual who directly or indirectly uses a transportation
51 network company's digital network to connect with a
52 transportation network company driver who provides
53 transportation services to such individual in the driver's
54 personal vehicle.

55 (2)(a) A transportation network company driver, or a
56 transportation network company on the driver's behalf, shall
57 maintain primary automobile liability insurance that recognizes
58 that the driver is a transportation network company driver or
59 that the driver otherwise uses a personal vehicle to transport
60 riders for compensation. Such primary automobile liability
61 insurance must cover the driver as required under this section,
62 including while the driver is logged on to the transportation
63 network company's digital network and engaged in a prearranged
64 ride.

65 (b) The following automobile insurance requirements apply
66 while a participating transportation network company driver is
67 logged on to the transportation network company's digital
68 network and is available to receive transportation requests, but



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69 is not engaged in a prearranged ride:

70 1. Primary automobile liability insurance of at least
71 \$125,000 for death and bodily injury per person, \$250,000 for
72 death and bodily injury per incident, coverage in an equivalent
73 amount for uninsured and underinsured motorists, and \$50,000 for
74 property damage; and

75 2. Primary automobile insurance that provides the minimum
76 coverage requirements under ss. 627.730-627.7405.

77 (c) The following automobile insurance requirements shall
78 apply while a transportation network company driver is engaged
79 in a prearranged ride:

80 1. Primary automobile liability insurance of at least \$1
81 million for death and bodily injury per person, \$2 million for
82 death and bodily injury per incident, coverage in an equivalent
83 amount for uninsured and underinsured motorists, and \$50,000 for
84 property damage; and

85 2. Primary automobile insurance that provides the minimum
86 coverage requirements under ss. 627.730-627.7405.

87 (d) The following automobile insurance requirements apply
88 at all times other than the periods specified in paragraph (b)
89 or paragraph (c) if a driver has or, within the previous 6
90 months has had, an agreement with a transportation network
91 company to provide any form of transportation services to
92 riders:

93 1. Primary automobile liability insurance of at least
94 \$100,000 for death and bodily injury per person, \$200,000 for
95 death and bodily injury per incident, coverage in an equivalent
96 amount for uninsured and underinsured motorists, and \$50,000 for
97 property damage; and



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98 2. Primary automobile insurance that provides the minimum
99 coverage requirements under ss. 627.730-627.7405.

100 (e) The coverage requirements of paragraph (b), paragraph
101 (c), or paragraph (d) may be satisfied by any of the following:

102 1. Automobile liability insurance maintained by the
103 transportation network company driver;

104 2. Automobile liability insurance maintained by the
105 transportation network company; or

106 3. Any combination of subparagraphs 1. and 2.

107 (f) If automobile insurance maintained by a driver under
108 paragraph (b), paragraph (c), or paragraph (d) has lapsed or
109 does not provide the required coverage, automobile insurance
110 maintained by a transportation network company must provide the
111 coverage required by this section beginning with the first
112 dollar of a claim and must require that the insurer have the
113 duty to defend such claim in this state.

114 (g) Coverage under an automobile insurance policy
115 maintained by the transportation network company may not be
116 dependent on a personal automobile liability insurance policy
117 first denying a claim.

118 (h) Automobile insurance required by this section must be
119 provided by an insurer authorized to do business in this state
120 and which is a member of the Florida Insurance Guaranty
121 Association.

122 (i) Automobile insurance satisfying the requirements of
123 this section shall be deemed to satisfy the financial
124 responsibility requirements for a motor vehicle under chapter
125 324 and the security required under s. 627.733.

126 (j) A transportation network company driver shall carry



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127 proof of insurance coverage satisfying paragraphs (b), (c), and
128 (d) at all times during his or her use of a personal vehicle in
129 connection with a transportation network company's digital
130 network. In the event of an accident:

131 1. The driver shall provide the insurance coverage
132 information to the directly involved parties, automobile
133 insurers, and investigating police officers. Proof of financial
134 responsibility may be provided through a digital telephone
135 application under s. 316.646 controlled by a transportation
136 network company.

137 2. The driver, upon request, shall disclose to the directly
138 involved parties, automobile insurers, and investigating police
139 officers whether the driver, at the time of the accident, was
140 logged on to the transportation network company's digital
141 network or engaged in prearranged ride.

142 (k) Before a driver may accept a request for a prearranged
143 ride on the transportation network company's digital network,
144 the transportation network company shall disclose in writing to
145 each transportation network company driver each type of:

146 1. Insurance coverage and the limit for each coverage the
147 transportation network company provides; and

148 2. Automobile insurance coverage that the driver must
149 maintain while the driver uses a personal vehicle in connection
150 with the transportation network company.

151 (l) An insurer that provides personal automobile insurance
152 policies under part XI of chapter 627 may exclude from coverage
153 under a policy issued to an owner or operator of a personal
154 vehicle any loss or injury that occurs while a driver is logged
155 on to a transportation network company's digital network or



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156 while a driver is engaged in a prearranged ride. Such right to
157 exclude coverage applies to any coverage under an automobile
158 liability insurance policy, including, but not limited to:

- 159 1. Liability coverage for bodily injury and property
160 damage.
161 2. Personal injury protection coverage under s. 627.736.
162 3. Uninsured and underinsured motorist coverage.
163 4. Medical payments coverage.
164 5. Comprehensive physical damage coverage.
165 6. Collision physical damage coverage.

166 (m) The exclusions authorized under paragraph (l) apply
167 notwithstanding any financial responsibility requirements under
168 chapter 324. This section does not require that a personal
169 automobile liability insurance policy provide coverage while the
170 driver is logged on to the transportation network company's
171 digital network, while the driver is engaged in a prearranged
172 ride, or while the driver otherwise uses a personal vehicle to
173 transport riders for compensation. However, an insurer may
174 voluntarily elect to provide coverage for such driver's personal
175 vehicle by contract or endorsement.

176 (n) An insurer that excludes coverage, as authorized under
177 paragraph (l):

178 1. Does not have a duty to defend or indemnify any claim
179 excluded. This section does not invalidate or limit an exclusion
180 contained in a policy, including any policy in use or approved
181 for use in this state before July 1, 2015.

182 2. Has a right of contribution against other insurers that
183 provide automobile liability insurance to the same driver in
184 satisfaction of the coverage requirements of this section at the



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185 time of loss if the insurer defends or indemnifies a claim
186 against a driver which is excluded under the terms of its
187 policy.

188 (o) In any claims investigation, a transportation network
189 company and any insurer potentially providing coverage for such
190 claim under this section shall cooperate to facilitate the
191 exchange of relevant information with directly involved parties
192 and insurers of the transportation network company driver, if
193 applicable. Such information must provide:

194 1. The precise times that a driver logged on and off the
195 transportation network company's digital network during the 12-
196 hour period immediately preceding and immediately after the
197 accident.

198 2. A clear description of the coverage, any exclusions, and
199 limits provided under any automobile liability insurance
200 maintained under this section.

201 (p) Before allowing an individual to act as a driver on its
202 digital network, a transportation network company shall
203 determine whether the driver's personal vehicle is subject to a
204 lien. If the personal vehicle is subject to a lien, the
205 transportation network company shall verify that the insurance
206 required by this section provides coverage to the lienholder
207 while the driver is logged into the transportation network
208 company's digital network and while the driver is providing a
209 prearranged ride.

210 (3) The office may adopt rules to implement this section.

211
212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:



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214 Delete lines 19 - 33
215 and insert:
216 627.748, F.S.; defining terms; requiring a
217 transportation network company driver or such company
218 on the driver's behalf, or a combination thereof, to
219 maintain primary automobile liability insurance issued
220 by specified insurers with certain coverages in
221 specified amounts during certain timeframes; requiring
222 the transportation network company to provide
223 automobile insurance in the event insurance maintained
224 by the transportation network company driver lapses or
225 does not provide the required coverage; requiring a
226 transportation network company driver to carry proof
227 of insurance coverage at certain times and to disclose
228 specified information in the event of an accident;
229 requiring a transportation network company to make
230 certain disclosures to transportation network company
231 drivers; authorizing insurers to exclude certain
232 coverages during specified periods for policies issued
233 to transportation network company drivers for personal
234 vehicles; requiring a transportation network company
235 and certain insurers to cooperate during a claims
236 investigation to facilitate the exchange of specified
237 information; requiring a transportation network
238 company to determine whether an individual's personal
239 vehicle is subject to a lien before allowing the
240 individual to act as a driver and, if the vehicle is
241 subject to a lien, to verify that the insurance
242 required by this section provides coverage to the



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243 lienholder during specified periods; authorizing the
244 Office of Insurance Regulation to adopt rules to
245 implement the section;