

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 241-386 and insert:

5 (2) (a) The following automobile insurance requirements
6 apply while a participating transportation network company
7 driver is logged on to the transportation network company's
8 digital network and is available to receive transportation
9 requests, but is not engaged in a prearranged ride:

10 1. Primary automobile liability insurance of at least
11 \$50,000 for death and bodily injury per person, \$100,000 for
12 death and bodily injury per incident, and \$25,000 for property
13 damage; and

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

16 (b) While a transportation network company driver is
17 engaged in a prearranged ride, the automobile insurance
18 requirements that apply are primary automobile liability
19 insurance of at least \$1 million for death and bodily injury and
20 \$50,000 for property damage.

21 (c) The coverage requirements of paragraphs (a) and (b)
22 may be satisfied by any of the following:

23 1. Automobile insurance maintained by the transportation
24 network company driver;

25 2. Automobile insurance maintained by the transportation
26 network company; or

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

28 (d) If automobile insurance maintained by a driver under
29 paragraph (a) or paragraph (b) has lapsed or does not provide
30 the required coverage, automobile insurance maintained by a
31 transportation network company must provide the coverage
32 required by this section beginning with the first dollar of a
33 claim and must require that the insurer have the duty to defend
34 such claim in this state.

35 (e) Coverage under an automobile insurance policy
36 maintained by the transportation network company may not be
37 dependent on a personal automobile liability insurance policy
38 first denying a claim.

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39 (f) Effective July 1, 2015, notwithstanding any other law,
40 automobile insurance required by this subsection or any other
41 provision of law in effect before the effective date of this
42 subsection that is applicable to a transportation network
43 company must be provided by an insurer authorized to do business
44 in this state which is a member of the Florida Insurance
45 Guaranty Association or an eligible surplus lines insurer under
46 s. 626.918 that is rated "A-" or higher by A. M. Best Company.

47 (g) Automobile insurance satisfying the requirements of
48 this section shall be deemed to satisfy the financial
49 responsibility requirements for a motor vehicle under chapter
50 324 and the security required under s. 627.733. However, the
51 provision of transportation to persons or goods for compensation
52 outside of this section shall subject vehicles and drivers to
53 the requirements of chapters 320 and 324.

54 (h) A transportation network company driver shall carry
55 proof of insurance coverage satisfying paragraphs (a) and (b) at
56 all times during his or her use of a personal vehicle. In the
57 event of an accident:

58 1. The driver shall provide the insurance coverage
59 information to the directly involved parties, automobile
60 insurers, and investigating police officers. Proof of financial
61 responsibility pursuant to s. 316.646 may be provided through a
62 digital telephone application controlled by a transportation
63 network company.

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64 2. The driver, upon request, shall disclose to directly
65 involved parties, automobile insurers, and investigating police
66 officers whether the driver, at the time of the accident, was
67 logged on to the transportation network company's digital
68 network or engaged in prearranged ride.

69 (i) Before a driver may accept a request for a prearranged
70 ride on the transportation network company's digital network,
71 the transportation network company shall disclose in writing to
72 each transportation network company driver:

73 1. The type of insurance coverage and the limit for each
74 coverage the transportation network company provides.

75 2. The type of automobile insurance coverage that the
76 driver must maintain while the driver uses a personal vehicle in
77 connection with the transportation network company.

78 3. That the provision of rides, prearranged or otherwise,
79 which do not comply with this section will subject the driver to
80 the financial responsibility limits for for-hire passenger
81 transportation provided in s. 324.032(1) and may subject the
82 driver to the penalties provided in 324.221, up to and including
83 a misdemeanor of the second degree.

84 (j) Except as otherwise provided in paragraph (f), this
85 subsection shall take effect March 1, 2016.

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88 **T I T L E A M E N D M E N T**

89 Remove lines 27-53 and insert:

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90 transportation network company to provide automobile
91 insurance in the event insurance maintained by the
92 transportation network company driver lapses or does
93 not provide the required coverage; requiring a
94 transportation network company driver to carry proof
95 of certain insurance coverage at all times during his
96 or her use of a personal vehicle and to disclose
97 specified information in the event of an accident;
98 requiring a transportation network company to make
99 certain disclosures to transportation network company
100 drivers; authorizing the

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