

1 A bill to be entitled
 2 An act relating to transportation network company
 3 insurance; creating s. 627.748, F.S.; providing
 4 definitions; establishing motor vehicle insurance
 5 requirements for transportation network companies and
 6 participating drivers during certain periods;
 7 requiring a transportation network company to make
 8 certain disclosures in writing; requiring a
 9 transportation network company and its insurer to
 10 cooperate with certain claims coverage investigations;
 11 providing for application of certain coverage
 12 requirements; providing an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Section 627.748, Florida Statutes, is created
 17 to read:

18 627.748 Transportation network company insurance.—

19 (1) For purposes of this section, the term:

20 (a) "Application" means an Internet-enabled application or
 21 platform belonging to a transportation network company.

22 (b) "Participating driver" or "driver" means a person who
 23 uses a motor vehicle in connection with an application to
 24 connect with a passenger.

25 (c) "Transportation network company" or "company" means an
 26 organization, including, but not limited to, a corporation,

27 limited liability company, partnership, sole proprietorship, or
28 other entity operating in the state that provides prearranged
29 transportation services for compensation using an application to
30 connect a passenger with a participating driver.

31 (d) "Transportation network company insurance" means an
32 insurance policy that expressly provides coverage for a
33 participating driver's use of a motor vehicle in connection with
34 an application.

35 (2) (a) Notwithstanding any other provision of this
36 chapter, a transportation network company and a participating
37 driver shall maintain transportation network company insurance
38 as provided in this subsection.

39 (b) From the moment a driver accepts a ride request on an
40 application until the driver completes the request on the
41 application or until the ride is complete, whichever is later,
42 transportation network company insurance shall provide:

43 1. Liability coverage in the amount of \$1 million for
44 death, bodily injury, and property damage.

45 2. Uninsured and underinsured motorist coverage in the
46 amount of \$1 million.

47 3. Personal injury protection as required by s. 627.736.

48 4. Physical damage coverage, including collision or
49 comprehensive physical damage coverage, if the driver carries
50 such coverage on his or her personal motor vehicle insurance
51 policy. This subparagraph does not apply if the driver maintains
52 transportation network company insurance.

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53 (c) From the moment a driver logs onto an application
54 until the driver accepts a ride request; from the moment a
55 driver completes a request on an application, or the ride is
56 complete, whichever is later; and until the driver accepts
57 another ride request on the application or logs off the
58 application, a transportation network company insurance policy
59 shall provide:

60 1. Liability coverage for death and bodily injury in the
61 amount of \$125,000 per person and \$250,000 per incident.

62 2. Liability coverage for property damage in the amount of
63 \$50,000.

64 3. Uninsured and underinsured motorist coverage in the
65 amount of \$250,000.

66 4. Personal injury protection as required by s. 627.736.

67 5. Physical damage coverage, including collision or
68 comprehensive physical damage coverage, if the driver carries
69 such coverage on his or her personal motor vehicle insurance
70 policy. This subparagraph does not apply if the driver maintains
71 transportation network company insurance.

72 (d) The coverage requirements of this subsection may be
73 satisfied by transportation network company insurance maintained
74 by a driver, a company, or a combination of a driver and a
75 company. If the requirement is satisfied by a policy maintained
76 by a driver, the company shall verify that the insurance policy
77 is specifically written to cover the driver's use of a motor
78 vehicle in connection with an application.

79 (e) A transportation network company insurance policy
80 shall not require as a prerequisite of coverage that another
81 motor vehicle insurance policy first deny a claim.

82 (f) If transportation network company insurance maintained
83 by a driver has lapsed or ceased to exist, the company must
84 provide insurance coverage required by this section beginning
85 with the first dollar of a claim.

86 (3) A transportation network company shall disclose in
87 writing to a participating driver the insurance coverage and
88 limits of liability the company provides when the driver uses a
89 motor vehicle in connection with an application. The company
90 shall advise the driver that the personal motor vehicle
91 insurance policy of the driver may not provide insurance
92 coverage required pursuant to this section.

93 (4) An insurer that provides transportation network
94 company insurance shall defend and indemnify the insured.

95 (5) (a) Nothing in this section shall be construed to
96 require that a participating driver's personal motor vehicle
97 insurance policy provide primary or excess coverage from the
98 moment the driver logs on to an application until the driver
99 logs off the application or a ride is complete, whichever is
100 later.

101 (b) From the moment a driver logs on to an application
102 until the driver logs off the application, or until a ride is
103 complete, whichever is later, the personal motor vehicle
104 insurance policy of the driver or motor vehicle owner shall not:

105 1. Provide any coverage to the driver, motor vehicle
106 owner, or a third party unless the policy expressly provides for
107 such coverage, with or without a separate charge, or the policy
108 contains an amendment or endorsement to provide such coverage,
109 for which a separately stated premium is charged; or

110 2. Have a duty to defend or indemnify the driver's
111 activities in connection with the company,
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113 unless the policy expressly provides otherwise, with or without
114 a separate charge, or the policy contains an amendment or
115 endorsement to provide such coverage, for which a separately
116 stated premium is charged.

117 (c) Notwithstanding any other law, a personal motor
118 vehicle insurer may offer a motor vehicle liability insurance
119 policy that covers a driver in connection with an application
120 only if the policy expressly provides for coverage during the
121 periods specified in paragraph (b), with or without a separate
122 charge, or the policy contains an amendment or an endorsement to
123 provide such coverage, for which a separately stated premium may
124 be charged.

125 (6) In a claims investigation, a transportation network
126 company or its insurer shall cooperate with other insurers to
127 facilitate the exchange of information, including the dates and
128 times at which an accident occurred that involved a
129 participating driver and the precise times that the driver
130 logged on and off the application.

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131 (7) A participating driver shall carry proof of
132 transportation network company insurance coverage at all times
133 during his or her use of a motor vehicle in connection with an
134 application. In the event of an accident, a driver shall, upon
135 request, provide insurance coverage information to any party
136 involved in the accident and to a police officer.

137 (8) Notwithstanding any law regarding primary or excess
138 policy coverage, this section determines the obligations of an
139 insurance policy issued to a transportation network company and
140 a participating driver using a motor vehicle in connection with
141 an application.

142 Section 2. This act shall take effect July 1, 2015.