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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2016	.	
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The Committee on Appropriations (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 162 - 316
and insert:
maintain primary motor vehicle insurance that recognizes that the driver is a transportation network company driver or that the driver otherwise uses a personal vehicle to transport riders for compensation. Such primary motor vehicle insurance must cover the driver as required under this section, including while the driver is logged on to the transportation network company's



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11 digital network but is not engaged in a prearranged ride, and
12 while the driver is engaged in a prearranged ride.

13 (b) The following motor vehicle insurance coverage
14 requirements apply while a transportation network company driver
15 is logged on to the transportation network company's digital
16 network but is not engaged in a prearranged ride:

17 1. Primary motor vehicle liability insurance coverage of at
18 least \$125,000 for death and bodily injury per person, \$250,000
19 for death and bodily injury per incident, and \$50,000 for
20 property damage; and

21 2. Primary motor vehicle insurance coverage that meets the
22 minimum requirements under ss. 627.730-627.7405.

23 (c) The following motor vehicle insurance coverage
24 requirements apply while a transportation network company driver
25 is engaged in a prearranged ride:

26 1. Primary motor vehicle liability insurance coverage of at
27 least \$1 million for death and bodily injury per person, \$1
28 million for death and bodily injury per incident, and \$50,000
29 for property damage; and

30 2. Primary motor vehicle insurance coverage that meets the
31 minimum requirements under ss. 627.730-627.7405.

32 (d) At all times other than the periods specified in
33 paragraphs (b) and (c), the following motor vehicle insurance
34 requirements apply if a driver has an agreement with a
35 transportation network company to provide any form of
36 transportation service to riders:

37 1. Primary motor vehicle liability insurance coverage of at
38 least \$25,000 for death and bodily injury per person, \$50,000
39 for death and bodily injury per incident, and \$10,000 for



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40 property damage; and

41 2. Primary motor vehicle insurance that provides the
42 minimum requirements under ss. 627.730-627.7405.

43 (e) The coverage requirements of paragraphs (b), (c), and
44 (d) may be satisfied by insurance maintained by the
45 transportation network company driver, by the transportation
46 network company, or by a combination of both.

47 (f) If the insurance maintained by a driver under paragraph
48 (b) or paragraph (c) lapses or does not provide the required
49 coverage, the transportation network company must maintain
50 insurance that provides the coverage required by this section
51 beginning with the first dollar of a claim and must obligate the
52 insurer to defend such a claim in this state.

53 (g) Coverage under a motor vehicle insurance policy
54 maintained by the transportation network company may not be
55 contingent on a denial of a claim under the driver's personal
56 motor vehicle liability insurance policy, nor shall a personal
57 motor vehicle insurer be required to first deny a claim.

58 (h) Insurance required by this section must be provided by
59 an insurer authorized to do business in this state which is a
60 member of the Florida Insurance Guaranty Association or an
61 eligible surplus lines insurer that has a superior, an
62 excellent, an exceptional, or an equivalent financial strength
63 rating by a rating agency acceptable to the office.

64 (i) Insurance that satisfies the requirements of this
65 section is deemed to satisfy the financial responsibility
66 requirements imposed under chapter 324 and the security
67 requirements imposed under s. 627.733. However, the provision of
68 transportation to persons for compensation which is not covered



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69 under this section subjects a vehicle and driver to the
70 requirements of chapters 320 and 324.

71 (j) A transportation network company driver shall carry
72 proof of insurance coverage that meets the requirements of
73 paragraphs (b), (c), and (d) at all times during his or her use
74 of a personal vehicle. In the event of an accident:

75 1. The driver shall provide the insurance coverage
76 information to the directly involved parties, insurers, and
77 investigating law enforcement officers. Proof of financial
78 responsibility may be provided through a digital telephone
79 application under s. 316.646 which is controlled by a
80 transportation network company.

81 2. Upon request, the driver shall disclose to the directly
82 involved parties, insurers, and investigating law enforcement
83 officers whether the driver, at the time of the accident, was
84 logged on to the transportation network company's digital
85 network or engaged in a prearranged ride.

86 (k) Before a driver may accept a request for a prearranged
87 ride on the transportation network company's digital network,
88 the transportation network company shall disclose in writing to
89 each transportation network company driver:

90 1. The type and limits of insurance coverage provided by
91 the transportation network company;

92 2. The type of insurance coverage that the driver must
93 maintain while the driver uses a personal vehicle in connection
94 with the transportation network company; and

95 3. That the provision of rides for compensation, whether
96 prearranged or otherwise, which is not covered by this section
97 subjects the driver to the coverage requirements imposed by s.



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98 324.032(1) and that failure to meet such limits subjects the
99 driver to penalties provided in s. 324.221, up to and including
100 a misdemeanor of the second degree.

101 (1) A transportation network company must provide an
102 electronic notice to transportation network company drivers
103 that:

104 1. It may be illegal for a transportation network company
105 driver to solicit or accept a prearranged ride if the ride is
106 not arranged through a transportation network company's digital
107 network or online-enabled application; and

108 2. Such rides may not be covered by a transportation
109 network company's insurance policy.

110 (m) An insurer that provides personal motor vehicle
111 insurance policies under this part may exclude from coverage
112 under a policy issued to an owner or operator of a personal
113 vehicle any loss or injury that occurs while a driver is logged
114 on to a transportation network company's digital network or
115 while a driver is engaged in a prearranged ride. Such right to
116 exclude coverage applies to any coverage under a motor vehicle
117 insurance policy, including, but not limited to:

118 1. Liability coverage for bodily injury and property
119 damage.

120 2. Personal injury protection coverage.

121 3. Uninsured and underinsured motorist coverage.

122 4. Medical payments coverage.

123 5. Comprehensive physical damage coverage.

124 6. Collision physical damage coverage.

125
126 Such exclusion is limited only to the owner or operator of the



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127 vehicle that is being driven by the owner or operator while
128 logged on to a transportation network company's digital network
129 or engaged in a prearranged ride.

130 (n) The exclusions authorized under paragraph (m) apply
131 notwithstanding any financial responsibility requirements under
132 chapter 324. This section does not require that a personal motor
133 vehicle insurance policy provide coverage while the driver is
134 logged on to the transportation network company's digital
135 network, while the driver is engaged in a prearranged ride, or
136 while the driver otherwise uses a personal vehicle to transport
137 riders for compensation. However, an insurer may elect to
138 provide coverage by contract or endorsement for such driver's
139 personal vehicle used for such purposes.

140 (o) An insurer that excludes coverage as authorized under
141 paragraph (m):

142 1. Does not have a duty to defend or indemnify an excluded
143 claim. This section does not invalidate or limit an exclusion
144 contained in a policy, including any policy in use or approved
145 for use in this state before July 1, 2017.

146 2. Has a right of contribution against other insurers that
147 provide motor vehicle insurance to the same driver in
148 satisfaction of the coverage requirements of this section at the
149 time of loss, if the insurer defends or indemnifies a claim
150 against a driver which is excluded under the terms of its
151 policy.

152 (p) In a claims investigation, a transportation network
153 company and any insurer providing coverage for a claim under
154 this section shall cooperate to facilitate the exchange of
155 relevant information with directly involved parties and insurers



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156 of the transportation network company driver, if applicable.

157 Such information must provide:

158 1. The precise times that a driver logged on and off the
159 transportation network company's digital network during the 12-
160 hour period immediately before and immediately after the
161 accident.

162 2. A clear description of the coverage, any exclusions, and
163 the limits provided under insurance maintained under this
164 section.

165 (q) If a transportation network company's insurer makes a
166 payment for a claim covered under comprehensive coverage or
167 collision coverage, the transportation network company shall
168 cause its insurer to issue the payment directly to the entity
169 repairing the vehicle or jointly to the owner of the vehicle and
170 the primary lienholder on the covered vehicle.

171 (4) Unless agreed to in a written contract, a
172 transportation network company is not deemed to control, direct,
173 or manage the personal vehicles that, or the transportation
174 network company drivers who, connect to its digital network.

175 (5) The Financial Services Commission may adopt rules to

177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete lines 14 - 45

180 and insert:

181 or a combination of both, to maintain certain primary
182 motor vehicle insurance under certain circumstances;
183 providing coverage requirements under specified
184 circumstances; requiring a transportation network



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185 company to maintain certain insurance and obligate the
186 insurer to defend a certain claim if specified
187 insurance of the driver lapses or does not provide the
188 required coverage; providing that certain coverage may
189 not be contingent on a claim denial; specifying
190 requirements for insurers that provide the required
191 insurance; providing for construction; requiring a
192 transportation network company driver to carry proof
193 of certain insurance coverage at all times during his
194 or her use of a personal vehicle and to disclose
195 specified information in the event of an accident;
196 requiring a transportation network company to make
197 certain disclosures and provide a specified notice to
198 transportation network company drivers; authorizing an
199 insurer to exclude certain coverage for loss or injury
200 to specified persons which occurs under certain
201 circumstances; providing for applicability and
202 construction; requiring a transportation network
203 company and certain insurers to cooperate during a
204 claims investigation to facilitate the exchange of
205 specified information; requiring a transportation
206 network company to cause its insurer to issue payments
207 for claims directly to specified entities under
208 certain circumstances; providing that, unless agreed
209 to in a written contract, a transportation network
210 company is not deemed to control, direct, or manage
211 the personal vehicles or transportation network
212 company drivers that connect to its digital network;