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LEGISLATIVE ACTION

Senate

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House

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Senator Simmons moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

627.748 Transportation network company insurance.—

(1) It is the intent of the Legislature to provide for  
statewide uniformity of laws governing the insurance  
requirements imposed on transportation network companies and  
transportation network company drivers.



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12 (2) For purposes of this section, the term:

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

17 (b) "Personal vehicle" means a vehicle, however titled,  
18 which is used by a transportation network company driver in  
19 connection with providing transportation network company service  
20 and which is:

21 1. Owned, leased, or otherwise authorized for use by the  
22 transportation network company driver; and

23 2. Not licensed, registered, or authorized to operate as a  
24 taxicab, limousine, jitney, or other for-hire vehicle by any  
25 regulatory body.

26  
27 Notwithstanding any other law, a vehicle that is let or rented  
28 to another for consideration may be used as a personal vehicle.

29 (c) "Prearranged ride" means the provision of  
30 transportation by a driver to or on behalf of a rider, beginning  
31 when a driver accepts a request for a ride by a rider through a  
32 digital network controlled by a transportation network company,  
33 continuing while the driver transports the rider, and ending  
34 when the last rider departs from the personal vehicle. A  
35 prearranged ride does not include transportation provided using  
36 a taxi, jitney, limousine, for-hire vehicle as defined in s.  
37 320.01(15), or street hail service.

38 (d) "Transportation network company" or "company" means a  
39 corporation, partnership, sole proprietorship, or other entity  
40 operating in this state which uses a digital network to connect



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41 transportation network company riders to transportation network  
42 company drivers who provide prearranged rides. A transportation  
43 network company does not include an individual, a corporation, a  
44 partnership, a sole proprietorship, or any other entity  
45 arranging nonemergency medical transportation for individuals  
46 qualifying for Medicaid or Medicare pursuant to a contract with  
47 the state or a managed care organization.

48 (e) "Transportation network company driver" or "driver"  
49 means an individual who:

50 1. Receives connections to potential riders and related  
51 services from a transportation network company in exchange for  
52 any form of compensation, including payment of a fee to the  
53 transportation network company; and

54 2. Uses a personal vehicle to offer or provide a  
55 prearranged ride to riders upon connection through a digital  
56 network controlled by a transportation network company in return  
57 for compensation, including payment of a fee.

58 (f) "Transportation network company rider" or "rider" means  
59 an individual who directly or indirectly uses a transportation  
60 network company's digital network to connect with a  
61 transportation network company driver who provides  
62 transportation services to the individual in the driver's  
63 personal vehicle.

64 (3) (a) A transportation network company driver, or a  
65 transportation network company on the driver's behalf, shall  
66 maintain primary motor vehicle insurance that recognizes that  
67 the driver is a transportation network company driver or that  
68 the driver otherwise uses a personal vehicle to transport riders  
69 for compensation. Such primary motor vehicle insurance must



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70 cover the driver as required under this section, including while  
71 the driver is logged on to the transportation network company's  
72 digital network but is not engaged in a prearranged ride, and  
73 while the driver is engaged in a prearranged ride.

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

78 1. Primary motor vehicle bodily injury liability of at  
79 least \$100,000 per person, \$300,000 per incident, and \$50,000  
80 for property damage; and

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

83 (c) The following motor vehicle insurance coverage  
84 requirements apply while a transportation network company driver  
85 is engaged in a prearranged ride:

86 1. Primary motor vehicle bodily injury liability and  
87 uninsured and underinsured motorists insurance coverage of at  
88 least \$125,000 per person, \$300,000 per incident, and \$50,000  
89 for property damage, and primary motor vehicle insurance  
90 coverage that meets the minimum requirements under ss. 627.730-  
91 627.7405; or

92 2. Primary motor vehicle liability insurance coverage that  
93 provides at least \$1 million combined single limits coverage for  
94 bodily injury liability and uninsured and underinsured  
95 motorists, and property damage.

96 (d) At all times other than the periods specified in  
97 paragraphs (b) and (c), the following motor vehicle insurance  
98 requirements apply if a driver has an agreement with a



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99 transportation network company to provide any form of  
100 transportation service to riders:

101 1. Primary motor vehicle liability insurance coverage of at  
102 least \$25,000 for death and bodily injury per person, \$50,000  
103 for death and bodily injury per incident, and \$10,000 for  
104 property damage; and

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

107 (e) The coverage requirements of paragraphs (b), (c), and  
108 (d) may be satisfied by insurance maintained by the  
109 transportation network company driver, by the transportation  
110 network company, or by a combination of both.

111 (f) If the insurance maintained by a driver under paragraph  
112 (b) or paragraph (c) lapses or does not provide the required  
113 coverage, the transportation network company must maintain  
114 insurance that provides the coverage required by this section  
115 beginning with the first dollar of a claim and must obligate the  
116 insurer to defend such a claim in this state.

117 (g) The transportation network company driver is solely  
118 responsible for obtaining and maintaining the insurance required  
119 under paragraph (d). Upon application by any person to become a  
120 driver, the transportation network company shall notify the  
121 applicant that the driver must obtain and maintain the insurance  
122 required under paragraph (d). The driver must provide the  
123 transportation network company with proof of the required  
124 insurance at the time of application and at least every 6 months  
125 thereafter. Proof of the required insurance may be:

126 1. A copy of an insurance card or other document from the  
127 insurance company which indicates the driver has coverage that



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128 satisfied the requirements of paragraph (d); or

129 2. A copy of an insurance card or other document from the  
130 insurance company which indicates the driver has coverage for  
131 bodily injury and a certification from the driver that the  
132 coverage satisfies the requirements of paragraph (d).

133  
134 All documents and certifications provided pursuant to this  
135 paragraph may be in an electronic format. If the driver does not  
136 maintain insurance as required by paragraph (d), the  
137 transportation network company shall suspend the driver's access  
138 to the company's digital network until the driver complies with  
139 the requirements of paragraph (d).

140 (h) Coverage under a motor vehicle insurance policy  
141 maintained by the transportation network company shall not be  
142 contingent on a denial of a claim under the driver's personal  
143 motor vehicle liability insurance policy, nor shall a personal  
144 motor vehicle insurer be required to first deny a claim.

145 (i) Motor vehicle insurance required by this section must  
146 be provided by an insurer authorized to do business in this  
147 state which is a member of the Florida Insurance Guaranty  
148 Association or an eligible surplus lines insurer that has a  
149 superior, an excellent, an exceptional, or an equivalent  
150 financial strength rating by a rating agency acceptable to the  
151 office.

152 (j) Motor vehicle insurance that satisfies the requirements  
153 of this section is deemed to satisfy the financial  
154 responsibility requirements imposed under chapter 324 and the  
155 security requirements imposed under s. 627.733. However, the  
156 provision of transportation to persons for compensation which is



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157 not covered under this section subjects a vehicle and driver to  
158 the requirements of chapters 320 and 324.

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

163 1. The driver shall provide the insurance coverage  
164 information to the directly involved parties, insurers, and  
165 investigating law enforcement officers. Proof of financial  
166 responsibility may be provided through a digital telephone  
167 application under s. 316.646 which is controlled by a  
168 transportation network company.

169 2. Upon request, the driver shall disclose to the directly  
170 involved parties, insurers, and investigating law enforcement  
171 officers whether the driver, at the time of the accident, was  
172 logged on to the transportation network company's digital  
173 network or engaged in a prearranged ride.

174 (l) Before a driver may accept a request for a prearranged  
175 ride on the transportation network company's digital network,  
176 the transportation network company shall disclose in writing to  
177 each transportation network company driver:

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

180 2. The type of insurance coverage that the driver must  
181 maintain while the driver uses a personal vehicle in connection  
182 with providing transportation network company services; and

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



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186 324.032(1) and that failure to meet such limits subjects the  
187 driver to penalties provided in s. 324.221, up to and including  
188 a misdemeanor of the second degree.

189 (m) An insurer that provides personal motor vehicle  
190 insurance policies under this part may exclude from coverage  
191 under a policy issued to an owner or operator of a personal  
192 vehicle any loss or injury that occurs while a driver is logged  
193 on to a transportation network company's digital network or  
194 while a driver is engaged in a prearranged ride. Such right to  
195 exclude coverage applies to any coverage under a personal motor  
196 vehicle insurance policy, including, but not limited to:

- 197 1. Liability coverage for bodily injury and property  
198 damage.
- 199 2. Personal injury protection coverage.
- 200 3. Uninsured and underinsured motorist coverage.
- 201 4. Medical payments coverage.
- 202 5. Comprehensive physical damage coverage.
- 203 6. Collision physical damage coverage.

204  
205 However, these exclusions shall not affect or diminish coverage  
206 otherwise available for resident relatives of the owner or  
207 driver who are not occupying the personal vehicle at the time of  
208 the loss.

209 (n) The exclusions authorized under paragraph (m) apply  
210 notwithstanding any financial responsibility requirements under  
211 chapter 324. This section does not require that a personal motor  
212 vehicle insurance policy provide coverage while the driver is  
213 logged on to the transportation network company's digital  
214 network, while the driver is engaged in a prearranged ride, or





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215 while the driver otherwise uses a personal vehicle to transport  
216 riders for compensation. However, an insurer may elect to  
217 provide coverage by contract or endorsement for such driver's  
218 personal vehicle used for such purposes.

219 (o) An insurer that excludes coverage as authorized under  
220 paragraph (m):

221 1. Does not have a duty to defend or indemnify an excluded  
222 claim. This section does not invalidate or limit an exclusion  
223 contained in a policy, including any policy in use or approved  
224 for use in this state before July 1, 2016.

225 2. Has a right of contribution against other insurers that  
226 provide motor vehicle insurance to the same driver in  
227 satisfaction of the coverage requirements of this section at the  
228 time of loss, if the insurer defends or indemnifies a claim  
229 against a driver which is excluded under the terms of its  
230 policy.

231 (p) In a claims investigation, a transportation network  
232 company and any insurer providing coverage for a claim under  
233 this section shall cooperate to facilitate the exchange of  
234 relevant information with directly involved parties and insurers  
235 of the transportation network company driver, if applicable.  
236 Such information must provide:

237 1. The precise times that a driver logged on and off the  
238 transportation network company's digital network during the 12-  
239 hour period immediately before and immediately after the  
240 accident.

241 2. A clear description of the coverage, any exclusions, and  
242 the limits provided under insurance maintained under this  
243 section.



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244 (q) If a transportation network company's insurer makes a  
245 payment for a claim covered under comprehensive coverage or  
246 collision coverage, the transportation network company shall  
247 cause its insurer to issue the payment directly to the entity  
248 repairing the vehicle or jointly to the owner of the vehicle and  
249 the primary lienholder on the covered vehicle.

250 (4) Unless agreed to in a written contract, a  
251 transportation network company is not deemed to control, direct,  
252 or manage the personal vehicles that, or the transportation  
253 network company drivers who, connect to its digital network,  
254 solely as a result of the transportation network company being a  
255 transportation network company pursuant to this section.

256 (5) A transportation network company shall provide an  
257 electronic notice to transportation network company drivers at  
258 least once every 10 times the driver logs into that company's  
259 digital network which states that unless the driver has other  
260 additional motor vehicle insurance as required by this section,  
261 it is illegal for a transportation network company driver to  
262 solicit or accept a ride if the ride is not arranged through  
263 that transportation network company's digital network, and that  
264 such rides shall not be covered by a transportation network  
265 company driver's or a transportation network company's insurance  
266 policy.

267 (6) Notwithstanding any other law, transportation network  
268 company insurance requirements are governed exclusively by this  
269 section and any rules adopted under this section. A political  
270 subdivision of this state shall not adopt any ordinance imposing  
271 insurance requirements on a transportation network company or  
272 driver inconsistent with or more burdensome than the provisions



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273 of this section. All such ordinances, whether existing or  
274 proposed, are preempted and superseded by general law.

275 (7) Unless otherwise provided herein, the requirements of  
276 this section are in addition to the other requirements for  
277 obtaining and maintenance of motor vehicle insurance in this  
278 state. This section does not affect other motor vehicle  
279 insurance requirements in this state, including those for a  
280 motor vehicle used as a common carrier.

281 (8) The Financial Services Commission may adopt rules to  
282 administer this section.

283 Section 2. Paragraphs (b) and (c) of subsection (1) of  
284 section 316.066, Florida Statutes, are amended, and paragraph  
285 (e) is added to subsection (3) of that section, to read:

286 316.066 Written reports of crashes.—

287 (1)

288 (b) The Florida Traffic Crash Report, Long Form must  
289 include:

290 1. The date, time, and location of the crash.

291 2. A description of the vehicles involved.

292 3. The names and addresses of the parties involved,  
293 including all drivers and passengers, and the identification of  
294 the vehicle in which each was a driver or a passenger.

295 4. The names and addresses of witnesses.

296 5. The name, badge number, and law enforcement agency of  
297 the officer investigating the crash.

298 6. The names of the insurance companies for the respective  
299 parties involved in the crash.

300 7. A statement as to whether, at the time of the accident,  
301 any driver was providing a prearranged ride or logged into a



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302 digital network of a transportation network company, as those  
303 terms are defined in s. 627.748.

304 (c) In any crash for which a Florida Traffic Crash Report,  
305 Long Form is not required by this section and which occurs on  
306 the public roadways of this state, the law enforcement officer  
307 shall complete a short-form crash report or provide a driver  
308 exchange-of-information form, to be completed by all drivers and  
309 passengers involved in the crash, which requires the  
310 identification of each vehicle that the drivers and passengers  
311 were in. The short-form report must include:

- 312 1. The date, time, and location of the crash.
- 313 2. A description of the vehicles involved.
- 314 3. The names and addresses of the parties involved,  
315 including all drivers and passengers, and the identification of  
316 the vehicle in which each was a driver or a passenger.
- 317 4. The names and addresses of witnesses.
- 318 5. The name, badge number, and law enforcement agency of  
319 the officer investigating the crash.
- 320 6. The names of the insurance companies for the respective  
321 parties involved in the crash.

322 7. A statement as to whether, at the time of the accident,  
323 any driver was providing a prearranged ride or logged into a  
324 digital network of a transportation network company, as those  
325 terms are defined in s. 627.748.

326 (3)

327 (e) Any driver who provides a false statement to a law  
328 enforcement officer in connection with the information that is  
329 required to be reported under subparagraph (1) (b) 7. or  
330 subparagraph (1) (c) 7. commits a misdemeanor of the second



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331 degree, punishable as provided in s. 775.082 or s. 775.083.

332 Section 3. This act shall take effect January 1, 2017.

333

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

335 And the title is amended as follows:

336 Delete everything before the enacting clause

337 and insert:

338 A bill to be entitled

339 An act relating to transportation network companies;  
340 creating s. 627.748, F.S.; providing legislative  
341 intent; defining terms; requiring a transportation  
342 network company driver, or the transportation network  
343 company on the driver's behalf, or a combination of  
344 both, to maintain certain primary motor vehicle  
345 insurance under specified circumstances; providing  
346 coverage requirements under specified circumstances;  
347 requiring a transportation network company to maintain  
348 certain insurance and obligate the insurer to defend a  
349 certain claim if specified insurance of the driver  
350 lapses or does not provide the required coverage;  
351 providing that a driver is solely responsible for  
352 maintaining specified insurance; requiring a  
353 transportation network company to provide a specified  
354 notice to a driver applicant; requiring a driver to  
355 provide a transportation network company with  
356 specified proof of insurance at the time of  
357 application and at specified intervals; requiring a  
358 transportation network company to suspend a driver's  
359 access to its digital network if the driver does not



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360 maintain specified insurance; providing that certain  
361 coverage shall not be contingent on a claim denial;  
362 specifying requirements for insurers that provide the  
363 required insurance; providing for construction;  
364 requiring a transportation network company driver to  
365 carry proof of certain insurance coverage at all times  
366 during his or her use of a personal vehicle and to  
367 disclose specified information in the event of an  
368 accident; requiring a transportation network company  
369 to make certain disclosures and provide a specified  
370 notice to transportation network company drivers;  
371 authorizing an insurer to exclude certain coverage for  
372 loss or injury to specified persons which occurs under  
373 certain circumstances; providing for applicability and  
374 construction; requiring a transportation network  
375 company and certain insurers to cooperate during a  
376 claims investigation to facilitate the exchange of  
377 specified information; requiring a transportation  
378 network company to cause its insurer to issue payments  
379 for claims directly to specified entities under  
380 certain circumstances; providing that, unless agreed  
381 to in a written contract, a transportation network  
382 company is not deemed to control, direct, or manage  
383 the personal vehicles or transportation network  
384 company drivers that connect to its digital network;  
385 requiring a transportation network company to provide  
386 drivers with a certain notice at specified intervals;  
387 specifying preemption of laws pertaining to  
388 transportation network company insurance; providing



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389 applicability; authorizing the Financial Services  
390 Commission to adopt rules; amending s. 316.066, F.S.;  
391 requiring a statement in certain crash reports as to  
392 whether any driver at the time of the accident was  
393 providing a prearranged ride or logged into a digital  
394 network of a transportation network company; providing  
395 a criminal penalty for a driver who provides a false  
396 statement to a law enforcement officer in connection  
397 with certain information; providing an effective date.