

By the Committees on Judiciary; and Banking and Insurance; and  
Senator Simmons

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1 A bill to be entitled

2 An act relating to transportation network company  
3 insurance; amending s. 316.066, F.S.; requiring a  
4 statement in certain crash reports as to whether any  
5 driver at the time of the accident was providing a  
6 prearranged ride or logged into a digital network of a  
7 transportation network company; providing a criminal  
8 penalty for a driver who provides a false statement to  
9 a law enforcement officer in connection with certain  
10 information; creating s. 627.748, F.S.; providing  
11 legislative intent; defining terms; requiring a  
12 transportation network company driver, or the  
13 transportation network company on the driver's behalf,  
14 to maintain certain primary automobile insurance under  
15 certain circumstances; providing coverage requirements  
16 under specified circumstances; requiring a  
17 transportation network company to maintain certain  
18 insurance and obligate the insurer to defend a certain  
19 claim if specified insurance by the driver lapses or  
20 does not provide the required coverage; providing that  
21 certain coverage may not be contingent on a claim  
22 denial; specifying requirements for insurers who  
23 provide certain automobile insurance; requiring a  
24 transportation network company driver to carry proof  
25 of certain insurance coverage at all times during his  
26 or her use of a personal vehicle and to disclose  
27 specified information in the event of an accident;  
28 requiring a transportation network company to make  
29 certain disclosures to transportation network company  
30 drivers; authorizing insurers to exclude certain  
31 coverages during specified periods for policies issued

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32 to transportation network company drivers for personal  
33 vehicles; requiring a transportation network company  
34 and certain insurers to cooperate during a claims  
35 investigation to facilitate the exchange of specified  
36 information; requiring a transportation network  
37 company to cause its insurer to issue payments for  
38 claims directly to specified entities under certain  
39 circumstances; providing that unless agreed to in a  
40 written contract, a transportation network company is  
41 not deemed to control, direct, or manage the personal  
42 vehicles or transportation network company drivers  
43 that connect to its digital network; requiring a  
44 transportation network company to provide a specified  
45 notice to transportation network company drivers;  
46 authorizing the Financial Services Commission to adopt  
47 rules; providing for preemption of local laws and  
48 regulations pertaining to transportation network  
49 company insurance; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Paragraphs (b) and (c) of subsection (1) of  
54 section 316.066, Florida Statutes, are amended, and paragraph  
55 (e) is added to subsection (3) of that section, to read:

56 316.066 Written reports of crashes.—

57 (1)

58 (b) The Florida Traffic Crash Report, Long Form must  
59 include:

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

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- 61           2. A description of the vehicles involved.
- 62           3. The names and addresses of the parties involved,  
63 including all drivers and passengers, and the identification of  
64 the vehicle in which each was a driver or a passenger.
- 65           4. The names and addresses of witnesses.
- 66           5. The name, badge number, and law enforcement agency of  
67 the officer investigating the crash.
- 68           6. The names of the insurance companies for the respective  
69 parties involved in the crash.
- 70           7. A statement as to whether, at the time of the accident,  
71 any driver was providing a prearranged ride or logged into a  
72 digital network of a transportation network company, as those  
73 terms are defined in s. 627.748.
- 74           (c) In any crash for which a Florida Traffic Crash Report,  
75 Long Form is not required by this section and which occurs on  
76 the public roadways of this state, the law enforcement officer  
77 shall complete a short-form crash report or provide a driver  
78 exchange-of-information form, to be completed by all drivers and  
79 passengers involved in the crash, which requires the  
80 identification of each vehicle that the drivers and passengers  
81 were in. The short-form report must include:
- 82           1. The date, time, and location of the crash.
- 83           2. A description of the vehicles involved.
- 84           3. The names and addresses of the parties involved,  
85 including all drivers and passengers, and the identification of  
86 the vehicle in which each was a driver or a passenger.
- 87           4. The names and addresses of witnesses.
- 88           5. The name, badge number, and law enforcement agency of  
89 the officer investigating the crash.

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90           6. The names of the insurance companies for the respective  
91 parties involved in the crash.

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

96           (3)

97           (e) Any driver who provides a false statement to a law  
98 enforcement officer in connection with the information that is  
99 required to be reported under subparagraph (1) (b) 7. or  
100 subparagraph (1) (c) 7. commits a misdemeanor of the second  
101 degree, punishable as provided in s. 775.082 or s. 775.083.

102           Section 2. Section 627.748, Florida Statutes, is created to  
103 read:

104           627.748 Transportation network company insurance.-

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

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

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

114           (b) "Personal vehicle" means a vehicle, however titled,  
115 which is used by a transportation network company driver in  
116 connection with providing transportation network company service  
117 and which:

118           1. Is owned, leased, or otherwise authorized for use by the

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119 transportation network company driver; and

120 2. Is not a taxi, jitney, limousine, or for-hire vehicle as  
121 that term is defined in s. 320.01(15).

122  
123 Notwithstanding any other law, a vehicle that is let or rented  
124 to another for consideration may be used as a personal vehicle.

125 (c) "Prearranged ride" means the provision of  
126 transportation by a driver to or on behalf of a rider, beginning  
127 when a driver accepts a request for a ride by a rider through a  
128 digital network controlled by a transportation network company,  
129 continuing while the driver transports the rider, and ending  
130 when the last rider departs from the personal vehicle. A  
131 prearranged ride does not include transportation provided using  
132 a taxi, jitney, limousine, for-hire vehicle as defined in s.  
133 320.01(15), or street hail service.

134 (d) "Transportation network company" or "company" means a  
135 corporation, partnership, sole proprietorship, or other entity  
136 operating in this state which uses a digital network to connect  
137 transportation network company riders to transportation network  
138 company drivers who provide prearranged rides. A transportation  
139 network company does not include an individual, corporation,  
140 partnership, sole proprietorship, or other entity arranging  
141 nonemergency medical transportation for individuals qualifying  
142 for Medicaid or Medicare pursuant to a contract with the state  
143 or a managed care organization.

144 (e) "Transportation network company driver" or "driver"  
145 means an individual who:

146 1. Receives connections to potential riders and related  
147 services from a transportation network company in exchange for

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148 any form of compensation, including payment of a fee to the  
149 transportation network company; and

150 2. Uses a personal vehicle to offer or provide a  
151 prearranged ride to riders upon connection through a digital  
152 network controlled by a transportation network company in return  
153 for compensation, including payment of a fee.

154 (f) "Transportation network company rider" or "rider" means  
155 an individual who directly or indirectly uses a transportation  
156 network company's digital network to connect with a  
157 transportation network company driver who provides  
158 transportation services to the individual in the driver's  
159 personal vehicle.

160 (3) (a) A transportation network company driver, or a  
161 transportation network company on the driver's behalf, shall  
162 maintain primary automobile insurance that recognizes that the  
163 driver is a transportation network company driver or that the  
164 driver otherwise uses a personal vehicle to transport riders for  
165 compensation. Such primary automobile insurance must cover the  
166 driver as required under this section, including while the  
167 driver is logged on to the transportation network company's  
168 digital network but is not engaged in a prearranged ride, and  
169 while the driver is engaged in a prearranged ride.

170 (b) The following automobile insurance coverage  
171 requirements apply while a transportation network company driver  
172 is logged on to the transportation network company's digital  
173 network but is not engaged in a prearranged ride, and while the  
174 driver is engaged in a prearranged ride:

175 1. Primary automobile liability insurance coverage of at  
176 least \$125,000 for death and bodily injury per person, \$250,000

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177 for death and bodily injury per incident, and \$50,000 for  
178 property damage; and

179 2. Primary automobile insurance coverage that meets the  
180 minimum requirements under ss. 627.730-627.7405.

181 (c) At all times other than the periods specified in  
182 paragraph (b), the following automobile insurance requirements  
183 apply if a driver has an agreement with a transportation network  
184 company to provide any form of transportation service to riders:

185 1. Primary automobile liability insurance coverage of at  
186 least \$25,000 for death and bodily injury per person, \$50,000  
187 for death and bodily injury per incident, and \$10,000 for  
188 property damage; and

189 2. Primary automobile insurance that provides the minimum  
190 requirements under ss. 627.730-627.7405.

191 (d) The coverage requirements of paragraphs (b) and (c) may  
192 be satisfied by automobile insurance maintained by the  
193 transportation network company driver, by the transportation  
194 network company, or by a combination of both.

195 (e) If the insurance maintained by a driver under paragraph  
196 (b) lapses or does not provide the required coverage, the  
197 transportation network company must maintain insurance that  
198 provides the coverage required by this section beginning with  
199 the first dollar of a claim and must obligate the insurer to  
200 defend such a claim in this state.

201 (f) Coverage under an automobile insurance policy  
202 maintained by the transportation network company may not be  
203 contingent on a denial of a claim under the driver's personal  
204 automobile liability insurance policy, nor shall a personal  
205 automobile insurer be required to first deny a claim.

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206 (g) Automobile insurance required by this section must be  
207 provided by an insurer authorized to do business in this state  
208 which is a member of the Florida Insurance Guaranty Association  
209 or an eligible surplus lines insurer that has a superior, an  
210 excellent, an exceptional, or an equivalent financial strength  
211 rating by a rating agency acceptable to the office.

212 (h) Automobile insurance that satisfies the requirements of  
213 this section is deemed to satisfy the financial responsibility  
214 requirements imposed under chapter 324 and the security  
215 requirements imposed under s. 627.733. However, the provision of  
216 transportation to persons for compensation that is not covered  
217 under this section subjects a vehicle and driver to the  
218 requirements of chapters 320 and 324.

219 (i) A transportation network company driver shall carry  
220 proof of insurance coverage that meets the requirements of  
221 paragraphs (b) and (c) at all times during his or her use of a  
222 personal vehicle. In the event of an accident:

223 1. The driver shall provide the insurance coverage  
224 information to the directly involved parties, automobile  
225 insurers, and investigating law enforcement officers. Proof of  
226 financial responsibility may be provided through a digital  
227 telephone application under s. 316.646 which is controlled by a  
228 transportation network company.

229 2. Upon request, the driver shall disclose to the directly  
230 involved parties, automobile insurers, and investigating law  
231 enforcement officers whether the driver, at the time of the  
232 accident, was logged on to the transportation network company's  
233 digital network or engaged in a prearranged ride.

234 (j) Before a driver may accept a request for a prearranged



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235 ride on the transportation network company's digital network,  
236 the transportation network company shall disclose in writing to  
237 each transportation network company driver:

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

240 2. The type of automobile insurance coverage that the  
241 driver must maintain while the driver uses a personal vehicle in  
242 connection with the transportation network company; and

243 3. That the provision of rides for compensation, whether  
244 prearranged or otherwise, which is not covered by this section  
245 subjects the driver to the coverage requirements imposed by s.  
246 324.032(1) and that failure to meet such limits subjects the  
247 driver to penalties provided in s. 324.221, up to and including  
248 a misdemeanor of the second degree.

249 (k) An insurer that provides personal automobile insurance  
250 policies under this part may exclude from coverage under a  
251 policy issued to an owner or operator of a personal vehicle any  
252 loss or injury that occurs while a driver is logged on to a  
253 transportation network company's digital network or while a  
254 driver is engaged in a prearranged ride. Such right to exclude  
255 coverage applies to any coverage under an automobile insurance  
256 policy, including, but not limited to:

257 1. Liability coverage for bodily injury and property  
258 damage.

259 2. Personal injury protection coverage.

260 3. Uninsured and underinsured motorist coverage.

261 4. Medical payments coverage.

262 5. Comprehensive physical damage coverage.

263 6. Collision physical damage coverage.

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264       (l) The exclusions authorized under paragraph (k) apply  
265 notwithstanding any financial responsibility requirements under  
266 chapter 324. This section does not require that a personal  
267 automobile insurance policy provide coverage while the driver is  
268 logged on to the transportation network company's digital  
269 network, while the driver is engaged in a prearranged ride, or  
270 while the driver otherwise uses a personal vehicle to transport  
271 riders for compensation. However, an insurer may elect to  
272 provide coverage by contract or endorsement for such driver's  
273 personal vehicle used for such purposes.

274       (m) An insurer that excludes coverage as authorized under  
275 paragraph (k):

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

280       2. Has a right of contribution against other insurers that  
281 provide automobile insurance to the same driver in satisfaction  
282 of the coverage requirements of this section at the time of  
283 loss, if the insurer defends or indemnifies a claim against a  
284 driver which is excluded under the terms of its policy.

285       (n) In a claims investigation, a transportation network  
286 company and any insurer providing coverage for a claim under  
287 this section shall cooperate to facilitate the exchange of  
288 relevant information with directly involved parties and insurers  
289 of the transportation network company driver, if applicable.  
290 Such information must provide:

291       1. The precise times that a driver logged on and off the  
292 transportation network company's digital network during the 12-

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293 hour period immediately before and immediately after the  
294 accident.

295 2. A clear description of the coverage, any exclusions, and  
296 the limits provided under automobile insurance maintained under  
297 this section.

298 (o) If a transportation network company's insurer makes a  
299 payment for a claim covered under comprehensive coverage or  
300 collision coverage, the transportation network company shall  
301 cause its insurer to issue the payment directly to the entity  
302 repairing the vehicle or jointly to the owner of the vehicle and  
303 the primary lienholder on the covered vehicle.

304 (4) Unless agreed to in a written contract, a  
305 transportation network company is not deemed to control, direct,  
306 or manage the personal vehicles that, or the transportation  
307 network company drivers who, connect to its digital network.

308 (5) A transportation network company shall provide an  
309 electronic notice to transportation network company drivers  
310 which states that it is illegal for a transportation network  
311 company driver to solicit or accept a ride if the ride is not  
312 arranged through a transportation network company's digital  
313 network, and that such rides may not be covered by a  
314 transportation network company driver's or a transportation  
315 network company's insurance policy.

316 (6) The Financial Services Commission may adopt rules to  
317 administer this section.

318 Section 3. PREEMPTION.—Notwithstanding any other law,  
319 transportation network company insurance requirements are  
320 governed exclusively by this section and any rules adopted by  
321 the Financial Services Commission to administer this section. A

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322 political subdivision of this state may not adopt any ordinance  
323 imposing insurance requirements on a transportation network  
324 company or driver. All such ordinances, whether existing or  
325 proposed, are preempted and superseded by general law.

326 Section 4. This act shall take effect January 1, 2017.