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LEGISLATIVE ACTION

Senate

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House

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.