

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hager offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 59-378 and insert:

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

7 627.748 Transportation network company insurance.-

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

9 (a) "Digital network" means an online-enabled application,
10 software, website, or system offered or used by a transportation
11 network company which enables the prearrangement of rides with
12 transportation network company drivers.

13 (b) "Personal vehicle" means a vehicle, however titled,
14 which is used by a transportation network company driver in

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15 connection with providing transportation network company service
16 and that:

17 1. Is owned, leased, or otherwise authorized for use by
18 the transportation network company driver; and

19 2. Is not a taxi, jitney, limousine, or for-hire vehicle
20 as defined in s. 320.01(15).

21 (c) "Prearranged ride" means the provision of
22 transportation by a driver to or on behalf of a rider, beginning
23 when a driver accepts a ride requested by a rider through a
24 digital network controlled by a transportation network company,
25 continuing while the driver transports the rider, and ending
26 when the last rider departs from the personal vehicle. A
27 prearranged ride does not include transportation provided using
28 a taxi, jitney, limousine, for-hire vehicle as defined in s.
29 320.01(15), or street hail services.

30 (d) "Transportation network company" or "company" means a
31 corporation, partnership, sole proprietorship, or other entity
32 operating in this state which uses a digital network to connect
33 transportation network company riders to transportation network
34 company drivers who provide prearranged rides. A transportation
35 network company may not be deemed to control, direct, or manage
36 the personal vehicles or transportation network company drivers
37 that connect to its digital network, unless agreed to in a
38 written contract. A transportation network company does not
39 include an individual, corporation, partnership, sole
40 proprietorship, or other entity arranging nonemergency medical

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41 transportation for individuals qualifying for Medicaid or
42 Medicare pursuant to a contract with the state or a managed care
43 organization.

44 (e) "Transportation network company driver" or "driver"
45 means an individual who:

46 1. Receives connections to potential riders and related
47 services from a transportation network company in exchange for
48 any form of compensation, including payment of a fee to the
49 transportation network company; and

50 2. Uses a personal vehicle to offer or provide a
51 prearranged ride to riders upon connection through a digital
52 network controlled by a transportation network company in return
53 for compensation, including payment of a fee.

54 (f) "Transportation network company rider" or "rider"
55 means an individual who directly or indirectly uses a
56 transportation network company's digital network to connect with
57 a transportation network company driver who provides
58 transportation services to such individual in the driver's
59 personal vehicle.

60 (2) (a) A transportation network company driver, or a
61 transportation network company on the driver's behalf, shall
62 maintain primary automobile insurance that recognizes that the
63 driver is a transportation network company driver or that the
64 driver otherwise uses a personal vehicle to transport riders for
65 compensation. Such primary automobile insurance must cover the
66 driver as required under this section, including while the

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67 driver is logged on to the transportation network company's
68 digital network and engaged in a prearranged ride.

69 (b) The following automobile insurance requirements apply
70 while a participating transportation network company driver is
71 logged on to the transportation network company's digital
72 network and is available to receive transportation requests, but
73 is not engaged in a prearranged ride:

74 1. Primary automobile liability insurance of at least
75 \$50,000 for death and bodily injury per person, \$100,000 for
76 death and bodily injury per incident, and \$25,000 for property
77 damage; and

78 2. Primary automobile insurance that provides the minimum
79 coverage requirements under ss. 627.730-627.7405.

80 (c) While a transportation network company driver is
81 engaged in a prearranged ride, the automobile insurance
82 requirements that apply are primary automobile liability
83 insurance of at least \$1 million for death and bodily injury and
84 \$50,000 for property damage.

85 (d) The coverage requirements of paragraphs (b) and (c)
86 may be satisfied by any of the following:

87 1. Automobile insurance maintained by the transportation
88 network company driver;

89 2. Automobile insurance maintained by the transportation
90 network company; or

91 3. Any combination of subparagraphs 1. and 2.

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92 (e) If automobile insurance maintained by a driver under
93 paragraph (b) or paragraph (c) has lapsed or does not provide
94 the required coverage, automobile insurance maintained by a
95 transportation network company must provide the coverage
96 required by this section beginning with the first dollar of a
97 claim and must require that the insurer have the duty to defend
98 such claim in this state.

99 (f) Coverage under an automobile insurance policy
100 maintained by the transportation network company may not be
101 dependent on a personal automobile liability insurance policy
102 first denying a claim.

103 (g) Automobile insurance required by this section must be
104 provided by an insurer authorized to do business in this state
105 which is a member of the Florida Insurance Guaranty Association
106 or an eligible surplus lines insurer that is rated "A-" or
107 higher by A. M. Best Company.

108 (h) Automobile insurance satisfying the requirements of
109 this section shall be deemed to satisfy the financial
110 responsibility requirements for a motor vehicle under chapter
111 324 and the security required under s. 627.733. However, the
112 provision of transportation to persons for compensation outside
113 of this section shall subject vehicles and drivers to the
114 requirements of chapters 320 and 324.

115 (i) A transportation network company driver shall carry
116 proof of insurance coverage satisfying paragraphs (b) and (c) at

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117 all times during his or her use of a personal vehicle. In the
118 event of an accident:

119 1. The driver shall provide the insurance coverage
120 information to the directly involved parties, automobile
121 insurers, and investigating police officers. Proof of financial
122 responsibility pursuant to s. 316.646 may be provided through a
123 digital telephone application controlled by a transportation
124 network company.

125 2. The driver, upon request, shall disclose to directly
126 involved parties, automobile insurers, and investigating police
127 officers whether the driver, at the time of the accident, was
128 logged on to the transportation network company's digital
129 network or engaged in prearranged ride.

130 (j) Before a driver may accept a request for a prearranged
131 ride on the transportation network company's digital network,
132 the transportation network company shall disclose in writing to
133 each transportation network company driver:

134 1. The type of insurance coverage and the limit for each
135 coverage the transportation network company provides.

136 2. The type of automobile insurance coverage that the
137 driver must maintain while the driver uses a personal vehicle in
138 connection with the transportation network company.

139 3. That the provision of rides, prearranged or otherwise,
140 which do not comply with this section will subject the driver to
141 the financial responsibility limits for for-hire passenger
142 transportation provided in s. 324.032(1) and may subject the

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143 driver to the penalties provided in 324.221, up to and including
144 a misdemeanor of the second degree.

145 (k) An insurer that provides personal automobile insurance
146 policies under part XI of chapter 627 may exclude from coverage
147 under a policy issued to an owner or operator of a personal
148 vehicle any loss or injury that occurs while a driver is logged
149 on to a transportation network company's digital network or
150 while a driver is engaged in a prearranged ride. Such right to
151 exclude coverage applies to any coverage under an automobile
152 insurance policy, including, but not limited to:

153 1. Liability coverage for bodily injury and property
154 damage.

155 2. Personal injury protection coverage under s. 627.736.

156 3. Uninsured and underinsured motorist coverage.

157 4. Medical payments coverage.

158 5. Comprehensive physical damage coverage.

159 6. Collision physical damage coverage.

160 (l) The exclusions authorized under paragraph (k) apply
161 notwithstanding any financial responsibility requirements under
162 chapter 324. This section does not require that a personal
163 automobile insurance policy provide coverage while the driver is
164 logged on to the transportation network company's digital
165 network, while the driver is engaged in a prearranged ride, or
166 while the driver otherwise uses a personal vehicle to transport
167 riders for compensation. However, an insurer may voluntarily

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168 elect to provide coverage for such driver's personal vehicle by
169 contract or endorsement.

170 (m) An insurer that excludes coverage, as authorized under
171 paragraph (k):

172 1. Does not have a duty to defend or indemnify any claim
173 excluded. This section does not invalidate or limit an exclusion
174 contained in a policy, including any policy in use or approved
175 for use in this state before July 1, 2015.

176 2. Has a right of contribution against other insurers that
177 provide automobile insurance to the same driver in satisfaction
178 of the coverage requirements of this section at the time of loss
179 if the insurer defends or indemnifies a claim against a driver
180 which is excluded under the terms of its policy.

181 (n) In a claims investigation, a transportation network
182 company and any insurer potentially providing coverage for such
183 claim under this section shall cooperate to facilitate the
184 exchange of relevant information with directly involved parties
185 and insurers of the transportation network company driver, if
186 applicable. Such information must provide:

187 1. The precise times that a driver logged on and off the
188 transportation network company's digital network during the 12-
189 hour period immediately preceding and immediately after the
190 accident.

191 2. A clear description of the coverage, any exclusions,
192 and limits provided under any automobile insurance maintained
193 under this section.

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194 (o) Before allowing an individual to act as a driver on
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197 **T I T L E A M E N D M E N T**

198 Remove lines 3-34 and insert:

199 creating s. 627.748, F.S.; providing definitions;
200 requiring a transportation network company driver or
201 such company on the driver's behalf, or a combination
202 thereof, to maintain primary automobile insurance
203 issued by specified insurers with certain coverages in
204 specified amounts during certain timeframes; requiring
205 the transportation network company to provide
206 automobile insurance in the event insurance maintained
207 by the transportation network company driver lapses or
208 does not provide the required coverage; requiring a

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