

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 292

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO TRANSPORTATION NETWORK COMPANIES; AMENDING CHAPTER 25, TITLE  
2 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2517, IDAHO CODE, TO  
3 ESTABLISH APPLICABILITY, TO DEFINE TERMS, TO PROVIDE THAT A DRIVER'S  
4 OR A VEHICLE OWNER'S PERSONAL AUTOMOBILE INSURANCE POLICY SHALL NOT  
5 PROVIDE COVERAGE FOR A CERTAIN COMMERCIAL USE EXCEPT UNDER CERTAIN CIR-  
6 CUMSTANCES, TO PROVIDE THAT A DRIVER'S OR A VEHICLE OWNER'S PERSONAL  
7 AUTOMOBILE INSURER SHALL NOT HAVE THE DUTY TO DEFEND OR INDEMNIFY FOR  
8 CERTAIN ACTIVITIES EXCEPT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE  
9 THAT THIS ACT SHALL NOT BE CONSTRUED TO REQUIRE A PASSENGER'S AUTOMOBILE  
10 INSURANCE POLICY TO PROVIDE CERTAIN COVERAGE.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 25, Title 41, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 41-2517, Idaho Code, and to read as follows:

16 41-2517. TRANSPORTATION NETWORK COMPANIES. (1) This section shall ap-  
17 ply to insurance requirements for commercial activity in which a participat-  
18 ing driver uses a vehicle for compensation in connection with a transporta-  
19 tion network company.

20 (2) As used in this section:

21 (a) "Commercial use period" means the time period from the moment a  
22 participating driver logs on to a transportation network company's on-  
23 line-enabled application or platform until the moment the driver logs  
24 off or until the ride is complete and the passenger exits the vehicle,  
25 whichever is later.

26 (b) "Driver" or "participating driver" means any person who uses a ve-  
27 hicle in connection with a transportation network company's online-en-  
28 abled application or platform to connect with passengers.

29 (c) "Transportation network company" means an organization, includ-  
30 ing, but not limited to, a corporation, limited liability company,  
31 partnership, sole proprietor or any other entity, operating in Idaho  
32 that provides prearranged transportation services for compensation  
33 using an online-enabled application or platform to connect passengers  
34 with drivers using a personal vehicle.

35 (3) During the commercial use period, the following shall apply:

36 (a) The participating driver's or the vehicle owner's personal au-  
37 tomobile insurance policy shall not provide any coverage to the par-  
38 ticipating driver, vehicle owner or any third party unless the policy  
39 expressly provides for that coverage during the commercial use period  
40 with or without a separate charge or the policy contains an amendment  
41 or endorsement to provide that coverage, for which a separately stated  
42 premium is paid.

1 (b) The participating driver's or the vehicle owner's personal auto-  
2 mobile insurer shall not have the duty to defend or indemnify for the  
3 driver's activities in connection with the transportation network com-  
4 pany unless the policy expressly provides otherwise for the commercial  
5 use period, with or without a separate charge, or the policy contains  
6 an amendment or endorsement to provide that coverage, for which a sepa-  
7 rately stated premium is charged.

8 (4) Nothing in this section shall be construed to require a private pas-  
9 senger automobile insurance policy to provide primary, umbrella or excess  
10 coverage during a commercial use period.