

HB 757

2015

1 A bill to be entitled
2 An act relating to transportation network company
3 insurance; creating s. 627.748, F.S.; providing
4 definitions; establishing motor vehicle insurance
5 requirements for transportation network companies and
6 participating drivers during certain periods;
7 requiring a transportation network company to make
8 certain disclosures in writing; requiring a
9 transportation network company and its insurer to
10 cooperate with certain claims coverage investigations;
11 providing for application of certain coverage
12 requirements; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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

18 627.748 Transportation network company insurance.—

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

20 (a) "Application" means an Internet-enabled application or
21 platform belonging to a transportation network company.

22 (b) "Participating driver" or "driver" means a person who
23 uses a motor vehicle in connection with an application to
24 connect with a passenger.

25 (c) "Transportation network company" or "company" means an
26 organization, including, but not limited to, a corporation,

27 limited liability company, partnership, sole proprietorship, or
 28 other entity operating in the state that provides prearranged
 29 transportation services for compensation using an application to
 30 connect a passenger with a participating driver.

31 (d) "Transportation network company insurance" means an
 32 insurance policy that expressly provides coverage for a
 33 participating driver's use of a motor vehicle in connection with
 34 an application.

35 (2)(a) Notwithstanding any other provision of this
 36 chapter, a transportation network company and a participating
 37 driver shall maintain transportation network company insurance
 38 as provided in this subsection.

39 (b) From the moment a driver accepts a ride request on an
 40 application until the driver completes the request on the
 41 application or until the ride is complete, whichever is later,
 42 transportation network company insurance shall provide:

- 43 1. Liability coverage in the amount of \$1 million for
 44 death, bodily injury, and property damage.
- 45 2. Uninsured and underinsured motorist coverage in the
 46 amount of \$1 million.
- 47 3. Personal injury protection as required by s. 627.736.
- 48 4. Physical damage coverage, including collision or

49 comprehensive physical damage coverage, if the driver carries
 50 such coverage on his or her personal motor vehicle insurance
 51 policy. This subparagraph does not apply if the driver maintains
 52 transportation network company insurance.

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53 (c) From the moment a driver logs onto an application
54 until the driver accepts a ride request; from the moment a
55 driver completes a request on an application, or the ride is
56 complete, whichever is later; and until the driver accepts
57 another ride request on the application or logs off the
58 application, a transportation network company insurance policy
59 shall provide:

60 1. Liability coverage for death and bodily injury in the
61 amount of \$125,000 per person and \$250,000 per incident.

62 2. Liability coverage for property damage in the amount of
63 \$50,000.

64 3. Uninsured and underinsured motorist coverage in the
65 amount of \$250,000.

66 4. Personal injury protection as required by s. 627.736.

67 5. Physical damage coverage, including collision or
68 comprehensive physical damage coverage, if the driver carries
69 such coverage on his or her personal motor vehicle insurance
70 policy. This subparagraph does not apply if the driver maintains
71 transportation network company insurance.

72 (d) The coverage requirements of this subsection may be
73 satisfied by transportation network company insurance maintained
74 by a driver, a company, or a combination of a driver and a
75 company. If the requirement is satisfied by a policy maintained
76 by a driver, the company shall verify that the insurance policy
77 is specifically written to cover the driver's use of a motor
78 vehicle in connection with an application.

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79 (e) A transportation network company insurance policy
 80 shall not require as a prerequisite of coverage that another
 81 motor vehicle insurance policy first deny a claim.

82 (f) If transportation network company insurance maintained
 83 by a driver has lapsed or ceased to exist, the company must
 84 provide insurance coverage required by this section beginning
 85 with the first dollar of a claim.

86 (3) A transportation network company shall disclose in
 87 writing to a participating driver the insurance coverage and
 88 limits of liability the company provides when the driver uses a
 89 motor vehicle in connection with an application. The company
 90 shall advise the driver that the personal motor vehicle
 91 insurance policy of the driver may not provide insurance
 92 coverage required pursuant to this section.

93 (4) An insurer that provides transportation network
 94 company insurance shall defend and indemnify the insured.

95 (5) (a) Nothing in this section shall be construed to
 96 require that a participating driver's personal motor vehicle
 97 insurance policy provide primary or excess coverage from the
 98 moment the driver logs on to an application until the driver
 99 logs off the application or a ride is complete, whichever is
 100 later.

101 (b) From the moment a driver logs on to an application
 102 until the driver logs off the application, or until a ride is
 103 complete, whichever is later, the personal motor vehicle
 104 insurance policy of the driver or motor vehicle owner shall not:

105 1. Provide any coverage to the driver, motor vehicle
 106 owner, or a third party unless the policy expressly provides for
 107 such coverage, with or without a separate charge, or the policy
 108 contains an amendment or endorsement to provide such coverage,
 109 for which a separately stated premium is charged; or

110 2. Have a duty to defend or indemnify the driver's
 111 activities in connection with the company,
 112
 113 unless the policy expressly provides otherwise, with or without
 114 a separate charge, or the policy contains an amendment or
 115 endorsement to provide such coverage, for which a separately
 116 stated premium is charged.

117 (c) Notwithstanding any other law, a personal motor
 118 vehicle insurer may offer a motor vehicle liability insurance
 119 policy that covers a driver in connection with an application
 120 only if the policy expressly provides for coverage during the
 121 periods specified in paragraph (b), with or without a separate
 122 charge, or the policy contains an amendment or an endorsement to
 123 provide such coverage, for which a separately stated premium may
 124 be charged.

125 (6) In a claims investigation, a transportation network
 126 company or its insurer shall cooperate with other insurers to
 127 facilitate the exchange of information, including the dates and
 128 times at which an accident occurred that involved a
 129 participating driver and the precise times that the driver
 130 logged on and off the application.

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131 (7) A participating driver shall carry proof of
132 transportation network company insurance coverage at all times
133 during his or her use of a motor vehicle in connection with an
134 application. In the event of an accident, a driver shall, upon
135 request, provide insurance coverage information to any party
136 involved in the accident and to a police officer.

137 (8) Notwithstanding any law regarding primary or excess
138 policy coverage, this section determines the obligations of an
139 insurance policy issued to a transportation network company and
140 a participating driver using a motor vehicle in connection with
141 an application.

142 Section 2. This act shall take effect July 1, 2015.