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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/19/2016	.	
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The Committee on Banking and Insurance (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 250

and insert:

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

316.066 Written reports of crashes.—

(1)

(b) The Florida Traffic Crash Report, Long Form must



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11 include:

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

13 2. A description of the vehicles involved.

14 3. The names and addresses of the parties involved,
15 including all drivers and passengers, and the identification of
16 the vehicle in which each was a driver or a passenger.

17 4. The names and addresses of witnesses.

18 5. The name, badge number, and law enforcement agency of
19 the officer investigating the crash.

20 6. The names of the insurance companies for the respective
21 parties involved in the crash.

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

26 (c) In any crash for which a Florida Traffic Crash Report,
27 Long Form is not required by this section and which occurs on
28 the public roadways of this state, the law enforcement officer
29 shall complete a short-form crash report or provide a driver
30 exchange-of-information form, to be completed by all drivers and
31 passengers involved in the crash, which requires the
32 identification of each vehicle that the drivers and passengers
33 were in. The short-form report must include:

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

35 2. A description of the vehicles involved.

36 3. The names and addresses of the parties involved,
37 including all drivers and passengers, and the identification of
38 the vehicle in which each was a driver or a passenger.

39 4. The names and addresses of witnesses.



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40 5. The name, badge number, and law enforcement agency of
41 the officer investigating the crash.

42 6. The names of the insurance companies for the respective
43 parties involved in the crash.

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

48 (3)

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

54 Section 2. Section 627.748, Florida Statutes, is created to
55 read:

56 627.748 Transportation network company insurance.-

57 (1) It is the intent of the Legislature to provide for
58 statewide uniformity of laws governing the insurance
59 requirements imposed on transportation network companies and
60 transportation network company drivers.

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

62 (a) "Digital network" means an online application,
63 software, website, or system offered or used by a transportation
64 network company which enables the prearrangement of rides with
65 transportation network company drivers.

66 (b) "Personal vehicle" means a vehicle, however titled,
67 which is used by a transportation network company driver in
68 connection with providing transportation network company service



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69 and which:

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

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

74
75 Notwithstanding any other law, a vehicle that is let or rented
76 to another for consideration may be used as a personal vehicle.

77 (c) "Prearranged ride" means the provision of
78 transportation by a driver to or on behalf of a rider, beginning
79 when a driver accepts a request for a ride by a rider through a
80 digital network controlled by a transportation network company,
81 continuing while the driver transports the rider, and ending
82 when the last rider departs from the personal vehicle. A
83 prearranged ride does not include transportation provided using
84 a taxi, jitney, limousine, for-hire vehicle as defined in s.
85 320.01(15), or street hail service.

86 (d) "Transportation network company" or "company" means a
87 corporation, partnership, sole proprietorship, or other entity
88 operating in this state which uses a digital network to connect
89 transportation network company riders to transportation network
90 company drivers who provide prearranged rides. A transportation
91 network company does not include an individual, corporation,
92 partnership, sole proprietorship, or other entity arranging
93 nonemergency medical transportation for individuals qualifying
94 for Medicaid or Medicare pursuant to a contract with the state
95 or a managed care organization.

96 (e) "Transportation network company driver" or "driver"
97 means an individual who:



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98 1. Receives connections to potential riders and related
99 services from a transportation network company in exchange for
100 any form of compensation, including payment of a fee to the
101 transportation network company; and

102 2. Uses a personal vehicle to offer or provide a
103 prearranged ride to riders upon connection through a digital
104 network controlled by a transportation network company in return
105 for compensation, including payment of a fee.

106 (f) "Transportation network company rider" or "rider" means
107 an individual who directly or indirectly uses a transportation
108 network company's digital network to connect with a
109 transportation network company driver who provides
110 transportation services to the individual in the driver's
111 personal vehicle.

112 (3) (a) A transportation network company driver, or a
113 transportation network company on the driver's behalf, shall
114 maintain primary automobile insurance that recognizes that the
115 driver is a transportation network company driver or that the
116 driver otherwise uses a personal vehicle to transport riders for
117 compensation. Such primary automobile insurance must cover the
118 driver as required under this section, including while the
119 driver is logged on to the transportation network company's
120 digital network and is engaged in a prearranged ride.

121 (b) The following automobile insurance coverage
122 requirements apply while a transportation network company driver
123 is logged on to the transportation network company's digital
124 network and is available to receive transportation requests, but
125 is not engaged in a prearranged ride:

126 1. Primary automobile liability insurance coverage of at



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127 least \$50,000 for death and bodily injury per person, \$100,000
128 for death and bodily injury per incident, and \$25,000 for
129 property damage; and

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

132 (c) While engaged in a prearranged ride, a transportation
133 network company driver must be covered by primary automobile
134 liability insurance coverage of at least \$1 million for death
135 and bodily injury and property damage.

136 (d) The coverage requirements of paragraphs (b) and (c) may
137 be satisfied by automobile insurance maintained by the
138 transportation network company driver, by the transportation
139 network company, or by a combination of both.

140 (e) If the insurance maintained by a driver under paragraph
141 (b) or paragraph (c) lapses or does not provide the required
142 coverage, the transportation network company must maintain
143 insurance that provides the coverage required by this section
144 beginning with the first dollar of a claim and must obligate the
145 insurer to defend such a claim in this state.

146 (f) Coverage under an automobile insurance policy
147 maintained by the transportation network company may not be
148 contingent on a denial of a claim under the driver's personal
149 automobile liability insurance policy, nor shall a personal
150 automobile insurer be required to first deny a claim.

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



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156 (h) Automobile insurance that satisfies the requirements of
157 this section is deemed to satisfy the financial responsibility
158 requirements imposed under chapter 324 and the security
159 requirements imposed under s. 627.733. However, the provision of
160 transportation to persons for compensation that is not covered
161 under this section subjects a vehicle and driver to the
162 requirements of chapters 320 and 324.

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

167 1. The driver shall provide the insurance coverage
168 information to the directly involved parties, automobile
169 insurers, and investigating law enforcement officers. Proof of
170 financial responsibility may be provided through a digital
171 telephone application under s. 316.646 which is controlled by a
172 transportation network company.

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

178 (j) Before a driver may accept a request for a prearranged
179 ride on the transportation network company's digital network,
180 the transportation network company shall disclose in writing to
181 each transportation network company driver:

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

184 2. The type of automobile insurance coverage that the



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185 driver must maintain while the driver uses a personal vehicle in
186 connection with the transportation network company; and

187 3. That the provision of rides for compensation, whether
188 prearranged or otherwise, which is not covered by this section
189 subjects the driver to the coverage requirements imposed by s.
190 324.032(1) and that failure to meet such limits subjects the
191 driver to penalties provided in s. 324.221, up to and including
192 a misdemeanor of the second degree.

193 (k) An insurer that provides personal automobile insurance
194 policies under this part may exclude from coverage under a
195 policy issued to an owner or operator of a personal vehicle any
196 loss or injury that occurs while a driver is logged on to a
197 transportation network company's digital network or while a
198 driver is engaged in a prearranged ride. Such right to exclude
199 coverage applies to any coverage under an automobile insurance
200 policy, including, but not limited to:

201 1. Liability coverage for bodily injury and property
202 damage.

203 2. Personal injury protection coverage.

204 3. Uninsured and underinsured motorist coverage.

205 4. Medical payments coverage.

206 5. Comprehensive physical damage coverage.

207 6. Collision physical damage coverage.

208 (l) The exclusions authorized under paragraph (k) apply
209 notwithstanding any financial responsibility requirements under
210 chapter 324. This section does not require that a personal
211 automobile insurance policy provide coverage while the driver is
212 logged on to the transportation network company's digital
213 network, while the driver is engaged in a prearranged ride, or



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214 while the driver otherwise uses a personal vehicle to transport
215 riders for compensation. However, an insurer may elect to
216 provide coverage by contract or endorsement for such driver's
217 personal vehicle used for such purposes.

218 (m) An insurer that excludes coverage as authorized under
219 paragraph (k):

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

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

229 (n) In a claims investigation, a transportation network
230 company and any insurer providing coverage for a claim under
231 this section shall cooperate to facilitate the exchange of
232 relevant information with directly involved parties and insurers
233 of the transportation network company driver, if applicable.

234 Such information must provide:

235 1. The precise times that a driver logged on and off the
236 transportation network company's digital network during the 12-
237 hour period immediately before and immediately after the
238 accident.

239 2. A clear description of the coverage, any exclusions, and
240 the limits provided under automobile insurance maintained under
241 this section.

242 (o) If a transportation network company's insurer makes a



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243 payment for a claim covered under comprehensive coverage or
244 collision coverage, the transportation network company shall
245 cause its insurer to issue the payment directly to the entity
246 repairing the vehicle or jointly to the owner of the vehicle and
247 the primary lienholder on the covered vehicle.

248 (4) Unless agreed to in a written contract, a
249 transportation network company is not deemed to control, direct,
250 or manage the personal vehicles that, or the transportation
251 network company drivers who, connect to its digital network.

252 (5) The Financial Services Commission may adopt rules to
253 administer this section.

254 Section 3. PREEMPTION.—Notwithstanding any other law,
255 transportation network company insurance requirements are
256 governed exclusively by this section and any rules adopted by
257 the Financial Services Commission to administer this section.

258
259 ===== T I T L E A M E N D M E N T =====

260 And the title is amended as follows:

261 Delete lines 3 - 42

262 and insert:

263 insurance; amending s. 316.066, F.S.; requiring a
264 statement in certain crash reports as to whether any
265 driver at the time of the accident was providing a
266 prearranged ride or logged into a digital network of a
267 transportation network company; providing a criminal
268 penalty for a driver who provides a false statement to
269 a law enforcement officer in connection with certain
270 information; creating s. 627.748, F.S.; providing
271 legislative intent; defining terms; requiring a



272 transportation network company driver or such company
273 on the driver's behalf, or a combination thereof, to
274 maintain primary automobile insurance issued by
275 specified insurers with certain coverages in specified
276 amounts during certain timeframes; requiring a
277 transportation network company driver to maintain
278 primary automobile insurance issued by specified
279 insurers with certain coverages in specified amounts
280 during certain timeframes; requiring the
281 transportation network company to provide automobile
282 insurance in the event insurance maintained by the
283 transportation network company driver lapses or does
284 not provide the required coverage; requiring a
285 transportation network company driver to carry proof
286 of certain insurance coverage at all times during his
287 or her use of a personal vehicle and to disclose
288 specified information in the event of an accident;
289 requiring a transportation network company to make
290 certain disclosures to transportation network company
291 drivers; authorizing insurers to exclude certain
292 coverages during specified periods for policies issued
293 to transportation network company drivers for personal
294 vehicles; requiring a transportation network company
295 and certain insurers to cooperate during a claims
296 investigation to facilitate the exchange of specified
297 information; requiring a transportation network
298 company to cause its insurer to issue payments for
299 claims directly to specified entities under certain
300 circumstances; providing that unless agreed to in a



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301 written contract, a transportation network company is
302 not deemed to control, direct, or manage the personal
303 vehicles or transportation network company drivers
304 that connect to its digital network; authorizing the
305 Financial Services Commission to adopt rules;
306 providing for