

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Hager offered the following:

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

4 Remove line 392 and insert:

5 Section 4. Effective upon this act becoming a law and
6 operating retroactively to April 1, 2016, subsections (94)
7 through (99) are added to section 316.003, Florida Statutes, to
8 read:

9 316.003 Definitions.—The following words and phrases, when
10 used in this chapter, shall have the meanings respectively
11 ascribed to them in this section, except where the context
12 otherwise requires:

13 (94) DIGITAL NETWORK.—An online-enabled application,
14 website, or system offered or used by a transportation network

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

15 company that enables the prearrangement of rides with
16 transportation network company drivers.

17 (95) TRANSPORTATION NETWORK COMPANY.—A corporation,
18 partnership, sole proprietorship, or other entity that uses a
19 digital network to connect transportation network company riders
20 to transportation network company drivers who provide
21 prearranged rides. A transportation network company is not
22 deemed to control, direct, or manage the personal vehicles or
23 transportation network company drivers that connect to its
24 digital network, except where agreed to by written contract.

25 (96) PREARRANGED RIDE.—The provision of transportation by
26 a transportation network company driver to a transportation
27 network company rider which:

28 (a) Begins when a transportation network company driver
29 accepts a transportation network company rider's request for a
30 ride through a digital network controlled by the transportation
31 network company;

32 (b) Continues while the transportation network company
33 driver transports the requesting transportation network company
34 rider; and

35 (c) Ends when the last requesting transportation network
36 company rider departs from the personal vehicle.

37
38 The term does not include transportation provided through a
39 shared-expense carpool or vanpool arrangement; or a regional
40 transportation authority.

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

41 (97) PERSONAL VEHICLE-A vehicle that is:

42 (a) Used by a transportation network company driver to
43 provide a prearranged ride.

44 (b) Owned, leased, let, rented, or otherwise authorized
45 for use by the transportation network company driver.

46 (98) TRANSPORTATION NETWORK COMPANY DRIVER OR DRIVER.-A
47 person who:

48 (a) Receives connections to potential riders and related
49 services from a transportation network company in exchange for
50 payment of a fee to the transportation network company; and

51 (b) Uses a personal vehicle to offer or provide a
52 prearranged ride to transportation network company riders upon
53 connection through a digital network controlled by a
54 transportation network company and in exchange for compensation
55 or payment of a fee.

56 (99) TRANSPORTATION NETWORK COMPANY RIDER OR RIDER.-A
57 person who uses a transportation network company's digital
58 network to connect with a transportation network company driver
59 who provides a prearranged ride to the rider in the driver's
60 personal vehicle between points chosen by the rider.

61 Section 5. Effective upon this act becoming a law and
62 operating retroactively to April 1, 2016, section 316.68,
63 Florida Statutes, is created to read:

64 316.68 Transportation network company and driver insurance
65 requirements.-

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

66 (1) A transportation network company driver or a
67 transportation network company on the driver's behalf must
68 maintain primary automobile insurance that meets the following
69 requirements:

70 (a) The insurance must recognize that the driver is a
71 transportation network company driver or otherwise uses a
72 vehicle to transport riders for compensation and must cover the
73 driver while the driver is logged on to the transportation
74 network company's digital network or while the driver is engaged
75 in a prearranged ride.

76 (b) While the driver is logged into the transportation
77 network company's digital network and is available to receive
78 transportation requests, but is not engaged in a prearranged
79 ride, the driver must be covered for liability in the amount of
80 at least \$50,000 for death and bodily injury per person,
81 \$100,000 for death and bodily injury per incident, and \$25,000
82 for property damage and must have coverage that meets the
83 minimum requirements under ss. 627.730-627.7405.

84 (c) While the driver is engaged in a prearranged ride, the
85 driver must be covered in the amount of at least \$1 million for
86 death, bodily injury, and property damage, and must have
87 coverage that meets the minimum requirements for a limousine
88 under ss. 627.730-627.7405.

89 (d) The coverage must be maintained by the driver, by the
90 transportation network company, or by both the driver and the
91 transportation network company. If the driver maintains the

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

92 coverage and the coverage lapses or does not meet the
93 requirements in this subsection, the transportation network
94 company must provide the required coverage beginning with the
95 first dollar of a claim and must defend such claim.

96 (2) Coverage under an automobile insurance policy
97 maintained by the transportation network company is not
98 dependent on a personal automobile insurer's first denying a
99 claim and a personal automobile insurance policy is not required
100 to first deny a claim.

101 (3) Insurance coverage that meets the requirements of this
102 section satisfies the financial responsibility requirement for a
103 motor vehicle under chapter 324 and the security required under
104 s. 627.733.

105 (4) A driver shall carry proof of the coverage under this
106 section at all times while using a vehicle in connection with a
107 transportation network company's digital network. If the driver
108 is involved in an accident while using a vehicle for such
109 purpose, the driver must provide this insurance coverage
110 information to the directly interested parties, automobile
111 insurers, and investigating police officers. Such proof of
112 financial responsibility required under s. 316.646 may be
113 presented through a digital phone application controlled by a
114 transportation network company. Upon request, the driver must
115 also disclose to directly interested parties, automobile
116 insurers, and investigating police officers whether he or she
117 was logged into the transportation network company's digital

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

118 network or engaged in a prearranged ride at the time of the
119 accident.

120 (5) If a transportation network company's insurer makes a
121 payment for a claim covered under comprehensive coverage or
122 collision coverage, the transportation network company must
123 direct the insurer to issue the payment directly to the business
124 repairing the vehicle or jointly to the owner of the vehicle and
125 the primary lienholder on the covered vehicle.

126 (6) Insurance required by this section may be placed with
127 an insurer authorized to do business in this state or with a
128 surplus lines insurer eligible under ss. 626.913-626.937.

129 (7) The transportation network company shall disclose in
130 writing to transportation network company drivers the following
131 information before such drivers may accept a request for a
132 prearranged ride on the transportation network company's digital
133 network:

134 (a) The insurance coverage, including types of coverage
135 and the limits for each coverage, that the transportation
136 network company provides while the driver uses a personal
137 vehicle in connection with a digital network; and

138 (b) A notice that the driver's own automobile insurance
139 policy, depending on its terms, might not provide any coverage
140 while the driver is logged on to the transportation network
141 company's digital network and is available to receive
142 transportation requests or is engaged in a prearranged ride.

143 (8) Insurers that write automobile insurance in this state

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

144 may exclude any coverage afforded under the policy issued to an
145 owner or operator of a personal vehicle for any loss or injury
146 that occurs while a driver is logged on to a transportation
147 network company's digital network or while a driver provides a
148 prearranged ride. This right to exclude coverage applies to any
149 coverage included in an automobile insurance policy, including,
150 but not limited to:

- 151 (a) Liability coverage for bodily injury and property
152 damage;
153 (b) Uninsured and underinsured motorist coverage;
154 (c) Medical payments coverage;
155 (d) Comprehensive physical damage coverage;
156 (e) Collision physical damage coverage; and
157 (f) Personal injury protection.

158
159 Exclusions under this subsection apply notwithstanding any
160 requirement under chapter 324. This subsection does not require
161 a personal automobile insurance policy to provide coverage while
162 the driver is logged in to the transportation network company's
163 digital network, while the driver is engaged in a prearranged
164 ride, or while the driver otherwise uses a vehicle to transport
165 riders for compensation. This subsection does not require an
166 insurer to use any particular policy language or reference to
167 this section in order to exclude any and all coverage for any
168 loss or injury that occurs while a driver is logged on to a
169 transportation network company's digital network or while a

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

170 driver provides a prearranged ride. This subsection does not
171 preclude an insurer from providing primary or excess coverage
172 for the transportation network company driver's vehicle if the
173 insurer chooses to do so by contract or endorsement.

174 (9) Automobile insurers that exclude the coverage
175 described in this section have no duty to defend or indemnify
176 any claim expressly excluded thereunder. This section does not
177 invalidate or limit an exclusion contained in a policy,
178 including any policy in use or approved for use in this state
179 before the effective date of this section, which excludes
180 coverage for vehicles used to carry persons or property for a
181 charge or available for hire by the public. An automobile
182 insurer that defends or indemnifies a claim against a driver
183 that is excluded under the terms of its policy has a right of
184 contribution against other insurers that provide automobile
185 insurance to the same driver in satisfaction of the coverage
186 requirements of this section at the time of loss.

187 (10) In a claims coverage investigation, transportation
188 network companies shall immediately provide, upon request by
189 directly involved parties or by any insurer of the
190 transportation network company driver, if applicable, the
191 precise times that a driver logged on and off of the
192 transportation network company's digital network in the 12-hour
193 period immediately before and in the 12-hour period immediately
194 after the accident. Insurers providing coverage under this
195 section shall disclose upon request by any other insurer

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

196 involved in the particular claim the applicable coverages,
197 exclusions, and limits provided under any automobile insurance
198 maintained in order to satisfy the requirements of this section.

199 Section 6. Effective upon this act becoming a law and
200 operating retroactively to April 1, 2016, section 324.031,
201 Florida Statutes, is amended to read:

202 324.031 Manner of proving financial responsibility.—The
203 owner or operator of a taxicab, limousine, jitney, vehicle used
204 to provide transportation network company services, or any other
205 for-hire passenger transportation vehicle may prove financial
206 responsibility by providing satisfactory evidence of holding a
207 motor vehicle liability policy as defined in s. 324.021(8) or s.
208 324.151, which policy is issued by an insurance carrier that
209 ~~which~~ is a member of the Florida Insurance Guaranty Association
210 or by an eligible surplus lines insurer under s. 626.918. The
211 operator or owner of any other vehicle may prove his or her
212 financial responsibility by:

213 (1) Furnishing satisfactory evidence of holding a motor
214 vehicle liability policy as defined in ss. 324.021(8) and
215 324.151;

216 (2) Furnishing a certificate of self-insurance showing a
217 deposit of cash in accordance with s. 324.161; or

218 (3) Furnishing a certificate of self-insurance issued by
219 the department in accordance with s. 324.171.

220

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

221 Any person, including any firm, partnership, association,
222 corporation, or other person, other than a natural person,
223 electing to use the method of proof specified in subsection (2)
224 shall furnish a certificate of deposit equal to the number of
225 vehicles owned times \$30,000, to a maximum of \$120,000; in
226 addition, any such person, other than a natural person, shall
227 maintain insurance providing coverage in excess of limits of
228 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
229 such excess insurance shall provide minimum limits of
230 \$125,000/250,000/50,000 or \$300,000 combined single limits.
231 These increased limits shall not affect the requirements for
232 proving financial responsibility under s. 324.032(1).

233 Section 7. Effective upon this act becoming a law and
234 operating retroactively to April 1, 2016, section 627.747,
235 Florida Statutes, is created to read:

236 627.747 Coverage for part-time commercial uses of a
237 personal vehicle.—An insurer may offer a policy or endorsement
238 to an existing personal automobile policy covering a personal
239 vehicle that is used part-time for commercial purposes. Such
240 part-time commercial uses include, but are not limited to,
241 prearranged rides as defined in s. 316.003(96).

242 Section 8. Except as otherwise expressly provided in this
243 act and except for this section, which shall take effect upon
244 this a becoming a law, this act shall take effect October 1,
245 2016, if

246

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

247 -----

248 **T I T L E A M E N D M E N T**

249 Remove line 29 and insert:
250 for contingent repeal of specified provisions of the
251 act; amending s. 316.003, F.S.; providing definitions;
252 providing retroactive applicability; creating s.
253 316.68, F.S.; providing primary automobile insurance
254 requirements for transportation network companies and
255 transportation network company drivers; specifying
256 coverage requirements under certain circumstances;
257 providing requirements for insurance maintained by a
258 transportation network company on a driver's behalf;
259 providing for construction; requiring a driver to
260 carry proof of coverage at all times and provide
261 certain information to specified parties in the event
262 of an accident; requiring a transportation network
263 company to direct its insurer to issue payments to
264 specified entities under certain circumstances;
265 providing requirements for an insurer that provides
266 the required insurance; requiring a transportation
267 network company to provide a specified disclosure to
268 its drivers; authorizing an insurer to exclude
269 coverage for certain loss or injury; providing for
270 construction; requiring transportation network
271 companies and insurers to provide specified
272 information during a claims coverage investigation;

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Amendment No.

273 providing retroactive applicability; amending s.
274 324.022, F.S.; conforming a cross-reference; providing
275 retroactive applicability; amending s. 324.031, F.S.;
276 adding a vehicle used to provide transportation
277 network company services to a list of vehicles that
278 may prove financial responsibility in a specified
279 manner; adding the holding of a motor vehicle
280 liability policy issued by an eligible surplus lines
281 insurer as satisfactory evidence of financial
282 responsibility; conforming a cross-reference;
283 providing retroactive applicability; creating s.
284 627.747, F.S.; authorizing an insurer to provide
285 certain coverage for part-time commercial uses of a
286 personal vehicle; providing retroactive applicability;
287 providing effective dates; providing a

773647

Approved For Filing: 3/7/2016 7:55:45 AM

Page 12 of 12