

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.

13  
 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.

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.