



382418

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
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	.	

The Committee on Banking and Insurance (Simmons) recommended the following:

1 **Senate Substitute for Amendment (390508) (with title**
2 **amendment)**

3
4 Delete lines 49 - 250
5 and insert:

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

9 316.066 Written reports of crashes.—
10 (1)



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11 (b) The Florida Traffic Crash Report, Long Form must
12 include:
13 1. The date, time, and location of the crash.
14 2. A description of the vehicles involved.
15 3. The names and addresses of the parties involved,
16 including all drivers and passengers, and the identification of
17 the vehicle in which each was a driver or a passenger.
18 4. The names and addresses of witnesses.
19 5. The name, badge number, and law enforcement agency of
20 the officer investigating the crash.
21 6. The names of the insurance companies for the respective
22 parties involved in the crash.
23 7. A statement as to whether, at the time of the accident,
24 any driver was providing a prearranged ride or logged into a
25 digital network of a transportation network company, as those
26 terms are defined in s. 627.748.
27 (c) In any crash for which a Florida Traffic Crash Report,
28 Long Form is not required by this section and which occurs on
29 the public roadways of this state, the law enforcement officer
30 shall complete a short-form crash report or provide a driver
31 exchange-of-information form, to be completed by all drivers and
32 passengers involved in the crash, which requires the
33 identification of each vehicle that the drivers and passengers
34 were in. The short-form report must include:
35 1. The date, time, and location of the crash.
36 2. A description of the vehicles involved.
37 3. The names and addresses of the parties involved,
38 including all drivers and passengers, and the identification of
39 the vehicle in which each was a driver or a passenger.



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40 4. The names and addresses of witnesses.

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

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

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

49 (3)

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

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

57 627.748 Transportation network company insurance.—

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

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

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

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



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69 connection with providing transportation network company service
70 and which:

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

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

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

78 (c) "Prearranged ride" means the provision of
79 transportation by a driver to or on behalf of a rider, beginning
80 when a driver accepts a request for a ride by a rider through a
81 digital network controlled by a transportation network company,
82 continuing while the driver transports the rider, and ending
83 when the last rider departs from the personal vehicle. A
84 prearranged ride does not include transportation provided using
85 a taxi, jitney, limousine, for-hire vehicle as defined in s.
86 320.01(15), or street hail service.

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

97 (e) "Transportation network company driver" or "driver"



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98 means an individual who:

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

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

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

113 (3) (a) A transportation network company driver, or a
114 transportation network company on the driver's behalf, shall
115 maintain primary automobile insurance that recognizes that the
116 driver is a transportation network company driver or that the
117 driver otherwise uses a personal vehicle to transport riders for
118 compensation. Such primary automobile insurance must cover the
119 driver as required under this section, including while the
120 driver is logged on to the transportation network company's
121 digital network but is not engaged in a prearranged ride, and
122 while the driver is engaged in a prearranged ride.

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



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127 driver is engaged in a prearranged ride:

128 1. Primary automobile liability insurance coverage of at
129 least \$125,000 for death and bodily injury per person, \$250,000
130 for death and bodily injury per incident, and \$50,000 for
131 property damage; and

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

134 (c) At all times other than the periods specified in
135 paragraph (b), the following automobile insurance requirements
136 apply if a driver has an agreement with a transportation network
137 company to provide any form of transportation service to riders:

138 1. Primary automobile liability insurance coverage of at
139 least \$25,000 for death and bodily injury per person, \$50,000
140 for death and bodily injury per incident, and \$10,000 for
141 property damage; and

142 2. Primary automobile insurance that provides the minimum
143 requirements under ss. 627.730-627.7405.

144 (d) The coverage requirements of paragraphs (b) and (c) may
145 be satisfied by automobile insurance maintained by the
146 transportation network company driver, by the transportation
147 network company, or by a combination of both.

148 (e) If the insurance maintained by a driver under paragraph
149 (b) lapses or does not provide the required coverage, the
150 transportation network company must maintain insurance that
151 provides the coverage required by this section beginning with
152 the first dollar of a claim and must obligate the insurer to
153 defend such a claim in this state.

154 (f) Coverage under an automobile insurance policy
155 maintained by the transportation network company may not be



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156 contingent on a denial of a claim under the driver's personal
157 automobile liability insurance policy, nor shall a personal
158 automobile insurer be required to first deny a claim.

159 (g) Automobile insurance required by this section must be
160 provided by an insurer authorized to do business in this state
161 which is a member of the Florida Insurance Guaranty Association
162 or an eligible surplus lines insurer that has a superior, an
163 excellent, an exceptional, or an equivalent financial strength
164 rating by a rating agency acceptable to the office.

165 (h) Automobile insurance that satisfies the requirements of
166 this section is deemed to satisfy the financial responsibility
167 requirements imposed under chapter 324 and the security
168 requirements imposed under s. 627.733. However, the provision of
169 transportation to persons for compensation that is not covered
170 under this section subjects a vehicle and driver to the
171 requirements of chapters 320 and 324.

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

176 1. The driver shall provide the insurance coverage
177 information to the directly involved parties, automobile
178 insurers, and investigating law enforcement officers. Proof of
179 financial responsibility may be provided through a digital
180 telephone application under s. 316.646 which is controlled by a
181 transportation network company.

182 2. Upon request, the driver shall disclose to the directly
183 involved parties, automobile insurers, and investigating law
184 enforcement officers whether the driver, at the time of the



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185 accident, was logged on to the transportation network company's
186 digital network or engaged in a prearranged ride.

187 (j) Before a driver may accept a request for a prearranged
188 ride on the transportation network company's digital network,
189 the transportation network company shall disclose in writing to
190 each transportation network company driver:

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

193 2. The type of automobile insurance coverage that the
194 driver must maintain while the driver uses a personal vehicle in
195 connection with the transportation network company; and

196 3. That the provision of rides for compensation, whether
197 prearranged or otherwise, which is not covered by this section
198 subjects the driver to the coverage requirements imposed by s.
199 324.032(1) and that failure to meet such limits subjects the
200 driver to penalties provided in s. 324.221, up to and including
201 a misdemeanor of the second degree.

202 (k) An insurer that provides personal automobile insurance
203 policies under this part may exclude from coverage under a
204 policy issued to an owner or operator of a personal vehicle any
205 loss or injury that occurs while a driver is logged on to a
206 transportation network company's digital network or while a
207 driver is engaged in a prearranged ride. Such right to exclude
208 coverage applies to any coverage under an automobile insurance
209 policy, including, but not limited to:

210 1. Liability coverage for bodily injury and property
211 damage.

212 2. Personal injury protection coverage.

213 3. Uninsured and underinsured motorist coverage.



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214 4. Medical payments coverage.

215 5. Comprehensive physical damage coverage.

216 6. Collision physical damage coverage.

217 (l) The exclusions authorized under paragraph (k) apply
218 notwithstanding any financial responsibility requirements under
219 chapter 324. This section does not require that a personal
220 automobile insurance policy provide coverage while the driver is
221 logged on to the transportation network company's digital
222 network, while the driver is engaged in a prearranged ride, or
223 while the driver otherwise uses a personal vehicle to transport
224 riders for compensation. However, an insurer may elect to
225 provide coverage by contract or endorsement for such driver's
226 personal vehicle used for such purposes.

227 (m) An insurer that excludes coverage as authorized under
228 paragraph (k):

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

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

238 (n) In a claims investigation, a transportation network
239 company and any insurer providing coverage for a claim under
240 this section shall cooperate to facilitate the exchange of
241 relevant information with directly involved parties and insurers
242 of the transportation network company driver, if applicable.



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243 Such information must provide:

244 1. The precise times that a driver logged on and off the
245 transportation network company's digital network during the 12-
246 hour period immediately before and immediately after the
247 accident.

248 2. A clear description of the coverage, any exclusions, and
249 the limits provided under automobile insurance maintained under
250 this section.

251 (o) If a transportation network company's insurer makes a
252 payment for a claim covered under comprehensive coverage or
253 collision coverage, the transportation network company shall
254 cause its insurer to issue the payment directly to the entity
255 repairing the vehicle or jointly to the owner of the vehicle and
256 the primary lienholder on the covered vehicle.

257 (4) Unless agreed to in a written contract, a
258 transportation network company is not deemed to control, direct,
259 or manage the personal vehicles that, or the transportation
260 network company drivers who, connect to its digital network.

261 (5) The Financial Services Commission may adopt rules to
262 administer this section.

263 Section 3. PREEMPTION.—Notwithstanding any other law,
264 transportation network company insurance requirements are
265 governed exclusively by this section and any rules adopted by
266 the Financial Services Commission to administer this section.

267
268 ===== T I T L E A M E N D M E N T =====

269 And the title is amended as follows:

270 Delete lines 3 - 42

271 and insert:



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272 insurance; amending s. 316.066, F.S.; requiring a
273 statement in certain crash reports as to whether any
274 driver at the time of the accident was providing a
275 prearranged ride or logged into a digital network of a
276 transportation network company; providing a criminal
277 penalty for a driver who provides a false statement to
278 a law enforcement officer in connection with certain
279 information; creating s. 627.748, F.S.; providing
280 legislative intent; defining terms; requiring a
281 transportation network company driver, or the
282 transportation network company on the driver's behalf,
283 to maintain certain primary automobile insurance under
284 certain circumstances; providing coverage requirements
285 under specified circumstances; requiring a
286 transportation network company to maintain certain
287 insurance and obligate the insurer to defend a certain
288 claim if specified insurance by the driver lapses or
289 does not provide the required coverage; providing that
290 certain coverage may not be contingent on a claim
291 denial; specifying requirements for insurers who
292 provide certain automobile insurance; requiring a
293 transportation network company driver to carry proof
294 of certain insurance coverage at all times during his
295 or her use of a personal vehicle and to disclose
296 specified information in the event of an accident;
297 requiring a transportation network company to make
298 certain disclosures to transportation network company
299 drivers; authorizing insurers to exclude certain
300 coverages during specified periods for policies issued



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301 to transportation network company drivers for personal
302 vehicles; requiring a transportation network company
303 and certain insurers to cooperate during a claims
304 investigation to facilitate the exchange of specified
305 information; requiring a transportation network
306 company to cause its insurer to issue payments for
307 claims directly to specified entities under certain
308 circumstances; providing that unless agreed to in a
309 written contract, a transportation network company is
310 not deemed to control, direct, or manage the personal
311 vehicles or transportation network company drivers
312 that connect to its digital network; authorizing the
313 Financial Services Commission to adopt rules;
314 providing for