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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 329 and 330

insert:

Section 15. Section 324.033, Florida Statutes, is created to read:

324.033 Manner of proving financial responsibility; autonomous vehicles.-

(1) All fully autonomous vehicles must have uninsured and underinsured vehicle coverage as required by s. 627.727,



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11 personal injury protection coverage as required by s. 627.736,
12 and liability coverage in the amount of at least \$500,000 for
13 combined bodily injury liability and property damage liability
14 or at least:

15 (a) One hundred thousand for bodily injury to, or the death
16 of, one person in any one accident;

17 (b) Subject to such limits for one person, \$300,000 for
18 bodily injury to, or the death of, two or more persons in any
19 one accident; and

20 (c) Fifty thousand for damage to, or destruction of, the
21 property of others in any one accident.

22 (2) Notwithstanding subsection (1), the owner or operator
23 of an autonomous vehicle, as defined in s. 316.003(2), used
24 commercially for the pickup or delivery of passengers or goods
25 or for providing other services for compensation, except in the
26 circumstance of a digital network connecting a user to a driver
27 or an autonomous vehicle, may prove financial responsibility by
28 furnishing satisfactory evidence of having automobile insurance
29 that provides all of the following:

30 (a) Primary automobile liability coverage of at least \$2
31 million for death, bodily injury, and property damage.

32 (b) Personal injury protection benefits that meet the
33 minimum coverage required under ss. 627.730-627.7405.

34 (c) Uninsured and underinsured vehicle coverage as required
35 by s. 627.727.

36 Section 16. Subsection (7) of section 627.748, Florida
37 Statutes, is amended to read:

38 627.748 Transportation network companies.—

39 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE



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40 REQUIREMENTS.—

41 (a) ~~Beginning July 1, 2017,~~ A TNC driver or a TNC on behalf
42 of the TNC driver shall maintain primary automobile insurance
43 that:

44 1. Recognizes that the TNC driver is a TNC driver or
45 otherwise uses a vehicle to transport riders for compensation;
46 and

47 2. Covers the TNC driver while the TNC driver is logged on
48 to the digital network of the TNC or while the TNC driver is
49 engaged in a prearranged ride.

50 (b) The following automobile insurance requirements apply
51 while a participating TNC driver is logged on to the digital
52 network but is not engaged in a prearranged ride:

53 1. Automobile insurance that provides:

54 a. A primary automobile liability coverage of at least
55 \$50,000 for death and bodily injury per person, \$100,000 for
56 death and bodily injury per incident, and \$25,000 for property
57 damage;

58 b. Personal injury protection benefits that meet the
59 minimum coverage amounts required under ss. 627.730-627.7405;
60 and

61 c. Uninsured and underinsured vehicle coverage as required
62 by s. 627.727.

63 2. The coverage requirements of this paragraph may be
64 satisfied by any of the following:

65 a. Automobile insurance maintained by the TNC driver;

66 b. Automobile insurance maintained by the TNC; or

67 c. A combination of sub-subparagraphs a. and b.

68 (c) The following automobile insurance requirements apply



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69 while a TNC driver is engaged in a prearranged ride:
70 1. Automobile insurance that provides:
71 a. A primary automobile liability coverage of at least \$1
72 million for death, bodily injury, and property damage;
73 b. Personal injury protection benefits that meet the
74 minimum coverage amounts required of a limousine under ss.
75 627.730-627.7405; and
76 c. Uninsured and underinsured vehicle coverage as required
77 by s. 627.727.
78 2. The coverage requirements of this paragraph may be
79 satisfied by any of the following:
80 a. Automobile insurance maintained by the TNC driver;
81 b. Automobile insurance maintained by the TNC; or
82 c. A combination of sub-subparagraphs a. and b.
83 (d) Beginning July 1, 2018, the following insurance
84 requirements apply to all autonomous vehicles, as defined in s.
85 316.003(2), used by a TNC during prearranged rides while the
86 vehicles are being driven by an automated driving system:
87 1. Primary automobile liability coverage of at least \$1
88 million for death, bodily injury, and property damage;
89 2. Personal injury protection benefits that meet the
90 minimum coverage amounts required of a limousine under ss.
91 627.730-627.7405; and
92 3. Uninsured and underinsured vehicle coverage as required
93 by s. 627.727.
94 ~~(e)~~ If the TNC driver's insurance under paragraph (b) or
95 paragraph (c) has lapsed or does not provide the required
96 coverage, the insurance maintained by the TNC must provide the
97 coverage required under this subsection, beginning with the



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98 first dollar of a claim, and have the duty to defend such claim.

99 (f)~~(e)~~ Coverage under an automobile insurance policy
100 maintained by the TNC must not be dependent on a personal
101 automobile insurer first denying a claim, and a personal
102 automobile insurance policy is not required to first deny a
103 claim.

104 (g)~~(f)~~ Insurance required under this subsection must be
105 provided by an insurer authorized to do business in this state
106 which is a member of the Florida Insurance Guaranty Association
107 or an eligible surplus lines insurer that has a superior,
108 excellent, exceptional, or equivalent financial strength rating
109 by a rating agency acceptable to the Office of Insurance
110 Regulation of the Financial Services Commission.

111 (h)~~(g)~~ Insurance satisfying the requirements under this
112 subsection is deemed to satisfy the financial responsibility
113 requirement for a motor vehicle under chapter 324 and the
114 security required under s. 627.733 for any period when the TNC
115 driver is logged onto the digital network or engaged in a
116 prearranged ride.

117 (i)~~(h)~~ A TNC driver shall carry proof of coverage
118 satisfying paragraphs (b) and (c) with him or her at all times
119 during his or her use of a TNC vehicle in connection with a
120 digital network. In the event of an accident, a TNC driver shall
121 provide this insurance coverage information to any party
122 directly involved in the accident or the party's designated
123 representative, automobile insurers, and investigating police
124 officers. Proof of financial responsibility may be presented
125 through an electronic device, such as a digital phone
126 application, under s. 316.646. Upon request, a TNC driver shall



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127 also disclose to any party directly involved in the accident or
128 the party's designated representative, automobile insurers, and
129 investigating police officers whether he or she was logged on to
130 a digital network or was engaged in a prearranged ride at the
131 time of the accident.

132 (j)~~(i)~~ If a TNC's insurer makes a payment for a claim
133 covered under comprehensive coverage or collision coverage, the
134 TNC shall cause its insurer to issue the payment directly to the
135 business repairing the vehicle or jointly to the owner of the
136 vehicle and the primary lienholder on the covered vehicle.

137
138 ===== T I T L E A M E N D M E N T =====

139 And the title is amended as follows:

140 Between lines 50 and 51

141 insert:

142 creating s. 324.033, F.S.; providing insurance
143 requirements for all fully autonomous vehicles;
144 authorizing the owner or operator of an autonomous
145 vehicle used for certain purposes to prove financial
146 responsibility by furnishing satisfactory evidence of
147 having certain automobile insurance; amending s.
148 627.748, F.S.; deleting an obsolete provision;
149 beginning on a specified date, providing that
150 specified insurance requirements apply to all
151 autonomous vehicles used by a transportation network
152 company (TNC) during prearranged rides while the
153 vehicles are being driven by an automated driving
154 system;