

House Bill 190 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 40th, Smith of the 134th, Maxwell of the 17th, and Powell of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to
2 insurance generally, so as to provide insurance requirements for transportation network
3 companies and their drivers; to provide for definitions; to provide for minimum liability
4 limits; to provide for certain disclosures; to provide for certain notifications; to provide for
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance
10 generally, is amended by adding a new Code section to read as follows:

11 "33-1-24.

12 (a) As used in this Code section, the term:

13 (1) 'Personal vehicle' means a registered motor vehicle that is used by a transportation
14 network company driver in connection with providing services for a transportation
15 network company.

16 (2) 'Transportation network company' means a corporation, partnership, sole
17 proprietorship, or other entity that uses a digital network or other means to connect
18 customers to transportation network company drivers for the purposes of providing
19 transportation for compensation including, but not limited to, payment, donation, or other
20 item of value. The term shall not include emergency or nonemergency medical
21 transports.

22 (3) 'Transportation network company customer' or 'customer' means an individual who
23 uses a transportation network company to connect with a driver to obtain services in such
24 driver's personal vehicle, from an agreed upon point of departure to an agreed upon
25 destination.

26 (4) 'Transportation network company driver' or 'driver' means an individual who uses or
27 permits to be used his or her personal vehicle to provide transportation network company
28 services. Such driver need not be an employee of a transportation network company.

29 (5) 'Transportation network company services' or 'services' means:

30 (A) The period of time a driver is logged on to the transportation network company's
31 digital network and available to accept a ride request until the driver is logged off,
32 except for that time period described in subparagraph (B) of this paragraph; and

33 (B) The period of time a driver accepts a ride request on the transportation network
34 company's digital network until the driver completes the transaction or the ride is
35 complete, whichever is later.

36 Transportation network company services shall not include transportation provided using
37 a taxi, a limousine carrier as defined in Code Section 40-1-151, or any other
38 commercially registered motor vehicle and commercially licensed driver.

39 (b) A transportation network company shall maintain or cause to be maintained a primary
40 motor vehicle insurance policy that:

41 (1) Recognizes the driver as a transportation network company driver and explicitly
42 covers the driver's provision of transportation network company services as defined in
43 paragraph (5) of subsection (a) of this Code section;

44 (2) During the time period defined in subparagraph (a)(5)(A) of this Code section,
45 provides a minimum of \$100,000.00 for bodily injuries to or death of all persons in any
46 one accident with a maximum of \$50,000.00 for bodily injuries to or death of one person
47 and \$50,000.00 for loss of or damage to property of others, excluding cargo, in any one
48 accident; and

49 (3) During the time period defined in subparagraph (a)(5)(B) of this Code section,
50 provides a minimum of \$1 million for death, personal injury, and property damage per
51 occurrence and provides uninsured and underinsured motorist coverage of at least \$1
52 million per incident.

53 (c) The requirements of subsection (b) of this Code section may be satisfied by either:

54 (1) A commercial motor vehicle insurance policy purchased by the transportation
55 network company or the driver that provides coverage that meets the requirements set
56 forth in subsection (b) of this Code section; or

57 (2) An insurance rider to, an endorsement of, or an express provision of coverage for
58 transportation network company services within the driver's personal private passenger
59 motor vehicle insurance policy required by Code Section 40-9-34 which may be
60 combined with an excess policy provided by the transportation network company to meet
61 the requirements set forth in subsection (b) of this Code section.

62 (d) A transportation network company that purchases an insurance policy to satisfy any
63 of the requirements under subsection (b) of this Code section shall provide the insurance
64 policy to the Commissioner.

65 (e) An insurance policy required by subsection (b) of this Code section shall be placed
66 with an insurer licensed under this title or with a surplus lines insurer eligible under
67 Chapter 23 of this title.

68 (f) To the extent the coverage requirements in subsection (b) of this Code section are met
69 by a driver, then such driver shall submit verification of such coverage to the transportation
70 network company. In the event that the insurance maintained by a driver to fulfill the
71 requirements of subsection (b) of this Code section has lapsed or ceases to exist, then the
72 transportation network company shall provide coverage which shall become primary
73 beginning with the first dollar of a claim.

74 (g)(1) Nothing in this Code section shall be construed to require a personal vehicle
75 insurance policy to provide primary or excess coverage for transportation network
76 company services.

77 (2) Insurers that write motor vehicle insurance policies in this state may exclude any and
78 all coverage afforded under the owner's insurance policy for any loss or injury that occurs
79 while a driver is logged on to a transportation network company's digital network or
80 while a driver provides transportation network company services. Notwithstanding any
81 other law, a personal vehicle insurer may, at its discretion, offer a personal vehicle
82 insurance policy, or an amendment or endorsement to an existing policy, that covers a
83 driver's vehicle while being used for transportation network company services during the
84 time period specified in this paragraph, with or without a separate charge, or the policy
85 contains an amendment or an endorsement to provide such coverage, for which a
86 separately stated premium may be charged.

87 (h) The transportation network company shall comply with the following requirements for
88 each driver:

89 (1) The driver shall be provided a disclosure from the transportation network company
90 containing:

91 (A) All information and documentation required for compliance with Code Section
92 40-6-10 if the transportation network company provides any insurance policy required
93 by subsection (b) of this Code section;

94 (B) Notice that the driver's personal vehicle insurance policy may exclude any and all
95 coverage for injuries to the driver and to others and may exclude the duty to defend or
96 indemnify any person or organization for liability for any loss or injury that occurs
97 while providing transportation network company services; and

98 (C) Notice that the driver's personal vehicle insurance policy may exclude coverage for
99 damage to the personal vehicle, medical payments coverage, uninsured and
100 underinsured motorist coverage, and other first-party claims;

101 (2) Such transportation network company shall make the following disclosure to a driver
102 in the driver's terms of service: 'If the vehicle with which you provide transportation
103 network company services has a lien against it, you must notify the lienholder that you
104 provide transportation network company services with such vehicle. Providing such
105 transportation network company services may violate the terms of your contract with the
106 lienholder.';

107 (3) The transportation network company shall include the disclosures required by this
108 subsection in the driver's terms of service in a distinctive clause; and

109 (4) For purposes of claims coverage investigation and upon request of the transportation
110 network company driver's personal vehicle insurer, the transportation network company
111 shall provide, within 15 days of such insurer's request, the date and times at which an
112 accident occurred that involved a transportation network company driver and the precise
113 times in the 12 hours preceding and following the accident that the driver logged on and
114 off the transportation network company network or application or otherwise signified
115 availability to provide transportation network company services. Coverage under a motor
116 vehicle insurance policy maintained by the transportation network company shall not be
117 dependent on a personal vehicle insurer first denying a claim nor shall a personal vehicle
118 insurance policy be required to first deny a claim.

119 (i) In the event the transportation network company is providing primary insurance
120 coverage under subsection (b) of this Code section, the transportation network company's
121 insurer shall assume the costs of defense and indemnification. The transportation network
122 company shall notify the driver and the driver's insurer of any dispute concerning primary
123 coverage within 25 business days of receiving notice of the accident that gives rise to such
124 claim. A personal vehicle insurer that defends or indemnifies a claim against a driver that
125 is excluded under the terms of its policy shall have a right of contribution against other
126 insurers that provide motor vehicle insurance to the same driver in satisfaction of the
127 coverage requirements of this Code Section at the time of loss.

128 (j) In the event the transportation network company is providing primary insurance
129 coverage under subsection (b) of this Code section and the driver or the driver's insurer is
130 named as a defendant in a civil action for any loss or injury that occurs while a personal
131 vehicle is available to provide transportation network company services, the transportation
132 network company's insurer shall have the duty to defend and indemnify the driver and the
133 driver's insurer."

134 **SECTION 2.**

135 This Act shall become effective on January 1, 2016.

136 **SECTION 3.**

137 All laws and parts of laws in conflict with this Act are repealed.