

House Bill 190

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 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

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

10 "33-1-24.

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

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

15 (2) 'Transportation network company' means a corporation, partnership, sole
16 proprietorship, or other entity that uses a digital network or other means to connect
17 customers to transportation network company drivers for the purposes of providing
18 transportation for compensation.

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

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

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

27 (A) The period of time a driver is logged on to the transportation network company's
28 digital network until the driver is logged off, except for that time period described in
29 subparagraph (B) of this paragraph; and

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

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

36 (b) A transportation network company shall maintain a primary motor vehicle insurance
37 policy that:

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

41 (2) During the time period defined in subparagraph (a)(5)(A) of this Code section,
42 provides a minimum of \$300,000.00 for bodily injuries to or death of all persons in any
43 one accident with a maximum of \$100,000.00 for bodily injuries to or death of one
44 person and \$50,000.00 for loss of or damage to property of others, excluding cargo, in
45 any one accident;

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

50 (4) During the time period defined in subparagraphs (a)(5)(A) and (a)(5)(B) of this Code
51 section, provides first-party coverage to a registered owner of the personal vehicle at not
52 less than the same limits, deductibles, and coverage options purchased by the registered
53 owner on his or her personal vehicle insurance policy; and

54 (5) The requirements of paragraphs (1) through (4) of this subsection may be satisfied
55 by either:

56 (A) A commercial motor vehicle insurance policy purchased by the transportation
57 network company or the driver that provides coverage that meets the requirements set
58 forth in paragraphs (1) through (4) of this subsection; or

59 (B) An insurance rider to or an endorsement of the driver's personal vehicle insurance
60 policy required by Code Section 40-9-34 which may be combined with an excess policy
61 provided by the transportation network company to meet the requirements set forth in
62 paragraphs (1) through (4) of this subsection.

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

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

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

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

78 (2) During the period of time transportation network company services are being
79 provided, all of the following shall apply:

80 (A) The driver's personal vehicle insurance policy shall not provide any coverage to
81 the driver or any third party, unless the policy expressly provides for such coverage
82 during the time period specified in this paragraph, with or without a separate charge,
83 or the policy contains an amendment or endorsement to provide such coverage, for
84 which a separately stated premium is charged;

85 (B) The driver's personal vehicle insurance policy shall not have the duty to defend or
86 indemnify for transportation network company services, unless the policy expressly
87 provides otherwise for the time period specified in this paragraph, with or without a
88 separate charge, or the policy contains an amendment or endorsement to provide such
89 coverage, for which a separately stated premium is charged; and

90 (C) Notwithstanding any other law, a personal vehicle insurer may, at its discretion,
91 offer a personal vehicle insurance policy, or an amendment or endorsement to an
92 existing policy, that covers a driver's vehicle while being used for transportation
93 network company services only if the policy expressly provides for such coverage
94 during the time period specified in this paragraph, with or without a separate charge,
95 or the policy contains an amendment or an endorsement to provide such coverage, for
96 which a separately stated premium may be charged.

97 (g) The transportation network company shall comply with the following requirements for
98 each driver:

- 99 (1) The driver shall be provided a disclosure from the transportation network company
100 containing:
- 101 (A) All information and documentation required for compliance with Code Section
102 40-6-10 if the transportation network company provides any insurance policy required
103 by subsection (b) of this Code section;
- 104 (B) Notice that the driver's personal vehicle insurance policy may exclude any and all
105 coverage for injuries to the driver and to others and may exclude the duty to defend or
106 indemnify any person or organization for liability for any loss or injury that occurs
107 while providing transportation network company services; and
- 108 (C) Notice that the driver's personal vehicle insurance policy may exclude coverage for
109 damage to the personal vehicle, medical payments coverage, uninsured and
110 underinsured motorist coverage, and other first-party claims;
- 111 (2) Such transportation network company shall make the following disclosure to a driver
112 in the driver's terms of service: 'If the vehicle with which you provide transportation
113 network company services has a lien against it, you must notify the lienholder that you
114 provide transportation network company services with such vehicle. Providing such
115 transportation network company services may violate the terms of your contract with the
116 lienholder.';
- 117 (3) The transportation network company shall include the disclosures required by this
118 subsection in the driver's terms of service in a distinctive clause and shall require a
119 separate acknowledgment by such driver of these terms by electronic signature or by
120 handwritten signature;
- 121 (4) Prior to the first use of a personal vehicle for transportation network company
122 services, and upon termination of the driver's participation in transportation network
123 company services, the transportation network company shall provide direct notice to the
124 driver's personal vehicle insurer if the transportation network company is providing
125 primary insurance coverage under subsection (b) of this Code section; and
- 126 (5) The transportation network company shall provide, for the purpose of a claim
127 coverage investigation and upon request of the driver's personal vehicle insurer, all data
128 and records associated with such personal vehicle to the extent such data and records
129 relate to the claim coverage investigation while such vehicle may have been providing
130 transportation network company services, within 15 calendar days of such insurer's
131 request.
- 132 (h) In the event the transportation network company is providing primary insurance
133 coverage under subsection (b) of this Code section, the transportation network company
134 shall assume liability, including the costs of defense and indemnification, for a claim in
135 which a dispute exists as to whether the loss or injury giving rise to the claim occurred

136 while a personal vehicle was available to provide transportation network company services.
137 The transportation network company shall notify the driver and the driver's insurer of any
138 such dispute within 25 business days of receiving notice of the accident that gives rise to
139 such claim.
140 (i) In the event the transportation network company is providing primary insurance
141 coverage under subsection (b) of this Code section and the driver or the driver's insurer is
142 named as a defendant in a civil action for any loss or injury that occurs while a personal
143 vehicle is available to provide transportation network company services, the transportation
144 network company shall have the duty to defend and indemnify the driver and the driver's
145 insurer."

146 **SECTION 2.**

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