

Senate Bill 196

By: Senator Beach of the 21st

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 **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) 'Available' means the period of time a TNC driver notifies a TNC that he or she is  
13 open to receive requests for transit until the driver notifies a TNC that he or she is no  
14 longer open to receive requests for transit, except for that time period when such TNC  
15 driver is engaged.

16 (2) 'Engaged' means the period of time a TNC driver accepts a request for transit through  
17 a TNC until the transaction has ended or the transit is complete, whichever is later.

18 (3) 'Transportation network company' or 'TNC' means a corporation, partnership, sole  
19 proprietorship, or other entity that maintains a TNC network for the purpose of  
20 connecting individuals seeking transportation to individuals who provide transportation.

21 (4) 'Transportation network company customer' or 'customer' means an individual who  
22 uses a TNC to arrange for transit.

23 (5) 'Transportation network company driver' or 'TNC driver' means an individual who  
24 is enrolled in a TNC network for the purpose of providing transit. Such individual need  
25 not be an employee of a TNC.

26 (6) 'Transportation network company facilitated transit' or 'transit' means the  
27 transportation of any individual from one prearranged location to another location in a  
28 motor vehicle.

29 (7) 'Transportation network company network' or 'TNC network' means a roll of  
30 individuals maintained by a TNC as eligible to provide transit to a customer.

31 (8) 'Transportation network company permit' or 'TNC permit' means an operating license  
32 issued by the department pursuant to Code Section 40-1-193.

33 (9) 'Transportation network company services' or 'TNC services' means the services that  
34 a TNC provides which include, but are not limited to, connecting a customer to a driver  
35 for the provisioning of transit, arranging a pick up location, tabulating a fare, accepting  
36 payment, and providing a receipt for any payment.

37 (10) 'Transportation network company vehicle' or 'TNC vehicle' means any motor  
38 vehicle made available to provide transit to a customer.

39 (b) On and after October 1, 2015:

40 (1) Each TNC driver shall maintain or cause to be maintained a primary motor vehicle  
41 insurance policy that during the time period any TNC driver is available, provides a  
42 minimum of \$25,000.00 for bodily injuries to or death of all persons in any one accident  
43 with a maximum of \$50,000.00 for bodily injuries to or death of one person and  
44 \$25,000.00 for loss of or damage to property of others, excluding cargo, in any one  
45 accident; and

46 (2) Each TNC shall maintain or cause to be maintained a primary motor vehicle  
47 insurance policy that during the time period any TNC driver is engaged, recognizes that  
48 each individual enrolled in its TNC network is a TNC driver and explicitly covers each  
49 TNC driver's provision of transit and provides a minimum of \$1 million for death,  
50 personal injury, and property damage per occurrence and provides uninsured and  
51 underinsured motorist coverage of at least \$1 million per incident.

52 (c) The requirements of subsection (b) of this Code section may be satisfied by motor  
53 vehicle liability insurance coverage obtained by the TNC, the TNC driver, or a combination  
54 thereof that provides coverage that meets the requirements set forth in subsection (b) of this  
55 Code section.

56 (d) Notwithstanding any provision to the contrary, a TNC shall provide coverage for each  
57 TNC driver for the period of time when any TNC driver is available that provides coverage  
58 sufficient to meet minimum motor vehicle liability insurance coverage as required under  
59 Chapter 34 of this title in the event that a TNC driver's personal motor vehicle insurance  
60 policy excludes coverage or does not provide coverage sufficient to meet minimum motor  
61 vehicle liability insurance coverage as required under Chapter 34 of this title for such  
62 periods of time when a TNC driver is available.

63 (e) Insurance coverage that satisfies the requirements under subsections (b) and (d) of this  
64 Code section shall be deemed to satisfy the financial responsibility requirement for a motor  
65 vehicle under Chapter 9 of Title 40.

66 (f) Insurance coverage required by subsections (b) and (d) of this Code section shall be  
67 placed with an insurer licensed under this title or with a surplus lines insurer eligible under  
68 Chapter 23 of this title.

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

74 (h)(1) Nothing in this Code section shall be construed to require a personal vehicle  
75 insurance policy to provide primary or excess coverage for the periods of time when a  
76 TNC driver is available or engaged.

77 (2) Insurers that write automobile liability insurance in Georgia must disclose on each  
78 application for insurance, in a prominent place, whether or not the insurance policy  
79 provides coverage while an insured vehicle is available or engaged. If an automobile  
80 liability insurance policy contains an exclusion for TNC related transit, the insurer or its  
81 agent must disclose in writing the exact language of such exclusion to the applicant  
82 during the application process.

83 (i) For purposes of claims coverage investigation and upon request of the TNC driver's  
84 personal vehicle insurer, the TNC shall provide, within 15 calendar days of such insurer's  
85 request, the date and times at which an accident occurred that involved a TNC driver and  
86 the precise times in the 24 hours preceding and following the accident that the TNC driver  
87 logged on and off the TNC application or otherwise signified availability or unavailability  
88 to provide transit.

89 (j) In the event the TNC is providing primary insurance coverage under subsection (b) of  
90 this Code section, the TNC shall assume the costs of defense and indemnification for a  
91 claim in which a dispute exists as to whether the loss or injury giving rise to the claim  
92 occurred while a personal vehicle was available to provide transit. The TNC shall notify  
93 the TNC driver and the TNC driver's insurer of any such dispute within 25 business days  
94 of receiving notice of the accident that gives rise to such claim.

95 (k) In the event the TNC is providing primary insurance coverage under subsection (b) of  
96 this Code section and the TNC driver or the TNC driver's insurer is named as a defendant  
97 in a civil action for any loss or injury that occurs while a personal vehicle is available to  
98 provide transit, the TNC shall have the duty to defend and indemnify the TNC driver and  
99 the TNC driver's insurer."

100

**SECTION 2.**

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