

House Bill 190 (COMMITTEE SUBSTITUTE)

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 including, but not limited to, payment, donation, or other
19 item of value. The term shall not include emergency or nonemergency medical
20 transports.

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

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

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

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

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

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

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

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

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

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

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

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

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

60 (2) An insurance rider to, an endorsement of, or an express provision of coverage for
 61 transportation network company services within the driver's personal private passenger

62 motor vehicle insurance policy required by Code Section 40-9-34 which may be
63 combined with an excess policy provided by the transportation network company to meet
64 the requirements set forth in subsection (b) of this Code section.

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

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

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

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

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

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

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

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

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

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

103 (A) All information and documentation required for compliance with Code Section
104 40-6-10 if the transportation network company provides any insurance policy required
105 by subsection (b) of this Code section;

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

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

113 (2) Such transportation network company shall make the following disclosure to a driver
114 in the driver's terms of service: 'If the vehicle with which you provide transportation
115 network company services has a lien against it, you must notify the lienholder that you
116 provide transportation network company services with such vehicle. Providing such
117 transportation network company services may violate the terms of your contract with the
118 lienholder.';

119 (3) The transportation network company shall include the disclosures required by this
120 subsection in the driver's terms of service in a distinctive clause and shall require a
121 separate acknowledgment by such driver of these terms by electronic signature or by
122 handwritten signature; and

123 (4) For purposes of claims coverage investigation and upon request of the transportation
124 network company driver's personal vehicle insurer, the transportation network company
125 shall provide, within 15 calendar days of such insurer's request, the date and times at
126 which an accident occurred that involved a transportation network company driver and
127 the precise times in the 24 hours preceding and following the accident that the driver
128 logged on and off the transportation network company network or application or
129 otherwise signified availability to provide transportation network company services.

130 (i) In the event the transportation network company is providing primary insurance
131 coverage under subsection (b) of this Code section, the transportation network company
132 shall assume the costs of defense and indemnification for a claim in which a dispute exists
133 as to whether the loss or injury giving rise to the claim occurred while a personal vehicle
134 was available to provide transportation network company services. The transportation

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

143 **SECTION 2.**

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