

The Senate Committee on Insurance and Labor offers the following substitute to SB 196:

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:

SECTION 1.

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

9 "33-1-24.

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

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

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

17 (3) 'Transportation network company' or 'TNC' means a corporation, partnership, sole
18 proprietorship, or other entity that maintains a TNC network for the purpose of
19 connecting individuals seeking transportation to individuals who provide transportation.
20 The term shall not include emergency or nonemergency medical transports.

21 (4) 'Transportation network company customer' or 'customer' means an individual who
22 uses a TNC to arrange for transit.
23

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

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

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

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

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

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

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

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

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

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

57 (d) Notwithstanding any provision to the contrary, a TNC shall provide coverage for each
58 TNC driver for the period of time when any TNC driver is available that provides coverage
59 sufficient to meet minimum motor vehicle liability insurance coverage as required under
60 Chapter 34 of this title in the event that a TNC driver's personal motor vehicle insurance

61 policy excludes coverage or does not provide coverage sufficient to meet minimum motor
62 vehicle liability insurance coverage as required under Chapter 34 of this title for such
63 periods of time when a TNC driver is available.

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

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

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

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

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

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

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

96 (k) In the event the TNC is providing primary insurance coverage under subsection (b) of
97 this Code section and the TNC driver or the TNC driver's insurer is named as a defendant

98 in a civil action for any loss or injury that occurs while a personal vehicle is available to
99 provide transit, the TNC shall have the duty to defend and indemnify the TNC driver and
100 the TNC driver's insurer.

101 (1) A transportation network company shall make the following disclosure to a prospective
102 driver in the prospective driver's terms of service: 'If the vehicle that you plan to use to
103 provide transportation network company services for our transportation network company
104 has a lien against it, you must notify the lien holder that you will be using the vehicle for
105 transportation services that may violate the terms of your contract with the lien holder.'

106 **SECTION 2.**

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