

The Senate Committee on Insurance and Labor offers the following substitute to HB 190:

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:

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.

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 \$25,000.00 for loss of or damage to property of others, excluding cargo, in any one
48 accident; provided, however, that such coverage is required to be provided under this
49 subsection in the absence of any other liability coverage with such minimum limits; and

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

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

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

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

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

66 (e) 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 (f) 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 (g)(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) Notwithstanding any other law, a personal vehicle insurer may, at its discretion, offer
79 a personal vehicle insurance policy, or an amendment or endorsement to an existing
80 policy, that covers a driver's vehicle while being used for transportation network
81 company services during the time period specified in this paragraph, with or without a
82 separate charge, or the policy contains an amendment or an endorsement to provide such
83 coverage, for which a separately stated premium may be charged.

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

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

88 (A) All information and documentation required for compliance with Code Section
89 40-6-10 if the transportation network company provides any insurance policy required
90 by subsection (b) of this Code section;

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

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

98 (2) Such transportation network company shall make the following disclosure to a driver
99 in the driver's terms of service: 'If the vehicle with which you provide transportation

100 network company services has a lien against it, you must notify the lienholder that you
101 provide transportation network company services with such vehicle. Providing such
102 transportation network company services may violate the terms of your contract with the
103 lienholder.:

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

106 (4) For purposes of claims coverage investigation and upon request of the transportation
107 network company driver's personal vehicle insurer, the transportation network company
108 shall provide, within a reasonable time period of such insurer's request, the date and times
109 at which an accident occurred that involved a transportation network company driver and
110 the precise times in the 24 hours preceding and following the accident that the driver
111 logged on and off the transportation network company network or application or
112 otherwise signified availability to provide transportation network company services.

113 (i) In the event the transportation network company is providing primary insurance
114 coverage under subsection (b) of this Code section, the transportation network company's
115 insurer shall assume the costs of defense and indemnification. The transportation network
116 company shall notify the driver and the driver's insurer of any dispute concerning primary
117 coverage within 25 business days of receiving notice of the accident that gives rise to such
118 claim.

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

125 **SECTION 2.**

126 This Act shall become effective on July 1, 2016.

127 **SECTION 3.**

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