

SENATE SUBSTITUTE TO HB 190:

**AS PASSED SENATE**

**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:

8 **SECTION 1.**

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

11 "33-1-24.

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

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

16 (2) 'Transportation network company' means a corporation, partnership, sole  
 17 proprietorship, or other entity that uses a digital network or other means to connect  
 18 customers to transportation network company drivers for the purposes of providing  
 19 transportation for compensation including, but not limited to, payment, donation, or other  
 20 item of value. The term shall not include emergency or nonemergency medical  
 21 transports.

22 (3) 'Transportation network company customer' or 'customer' means an individual who  
 23 uses a transportation network company to connect with a driver to obtain services in such  
 24 driver's personal vehicle, from an agreed upon point of departure to an agreed upon  
 25 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 \$50,000.00 for loss of or damage to property of others, excluding cargo, in any one  
 48 accident; and

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

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

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

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

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

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

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

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

77 (2) Insurers that write motor vehicle insurance policies in this state may exclude any and  
78 all coverage afforded under the owner's insurance policy for any loss or injury that occurs  
79 while a driver is logged on to a transportation network company's digital network or  
80 while a driver provides transportation network company services. Notwithstanding any  
81 other law, a personal vehicle insurer may, at its discretion, offer a personal vehicle  
82 insurance policy, or an amendment or endorsement to an existing policy, that covers a  
83 driver's vehicle while being used for transportation network company services during the  
84 time period specified in this paragraph, with or without a separate charge, or the policy  
85 contains an amendment or an endorsement to provide such coverage, for which a  
86 separately stated premium may be charged.

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

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

91 (A) All information and documentation required for compliance with Code Section  
92 40-6-10 if the transportation network company provides any insurance policy required  
93 by subsection (b) of this Code section;

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

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

101 (2) Such transportation network company shall make the following disclosure to a driver  
102 in the driver's terms of service: 'If the vehicle with which you provide transportation  
103 network company services has a lien against it, you must notify the lienholder that you  
104 provide transportation network company services with such vehicle. Providing such  
105 transportation network company services may violate the terms of your contract with the  
106 lienholder.';

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

109 (4) For purposes of claims coverage investigation and upon request of the transportation  
110 network company driver's personal vehicle insurer, the transportation network company  
111 shall provide, within 15 days of such insurer's request, the date and times at which an  
112 accident occurred that involved a transportation network company driver and the precise  
113 times in the 12 hours preceding and following the accident that the driver logged on and  
114 off the transportation network company network or application or otherwise signified  
115 availability to provide transportation network company services. Coverage under a motor  
116 vehicle insurance policy maintained by the transportation network company shall not be  
117 dependent on a personal vehicle insurer first denying a claim nor shall a personal vehicle  
118 insurance policy be required to first deny a claim.

119 (i) In the event the transportation network company is providing primary insurance  
120 coverage under subsection (b) of this Code section, the transportation network company's  
121 insurer shall assume the costs of defense and indemnification. The transportation network  
122 company shall notify the driver and the driver's insurer of any dispute concerning primary  
123 coverage within 25 business days of receiving notice of the accident that gives rise to such  
124 claim. A personal vehicle insurer that defends or indemnifies a claim against a driver that  
125 is excluded under the terms of its policy shall have a right of contribution against other  
126 insurers that provide motor vehicle insurance to the same driver in satisfaction of the  
127 coverage requirements of this Code Section at the time of loss.

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

134

**SECTION 2.**

135

This Act shall become effective on January 1, 2016.

136

**SECTION 3.**

137

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