

FIRST REGULAR SESSION

HOUSE BILL NO. 781

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GOSEN.

1900H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 379, RSMo, by adding thereto nine new sections relating to transportation network company insurance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 379, RSMo, is amended by adding thereto nine new sections, to be known as sections 379.1700, 379.1702, 379.1704, 379.1706, 379.1708, 379.1710, 379.1712, 379.1714, and 379.1716, to read as follows:

379.1700. As used in sections 379.1700 to 379.1716, the following terms shall mean:

(1) "Participating driver" or "driver", any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers;

(2) "Transportation network company" or "company", an organization including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle;

(3) "Transportation network company insurance", a liability insurance policy that specifically covers a driver's use of a vehicle in connection with a transportation network company's online-enabled application or platform.

379.1702. 1. A transportation network company shall disclose in writing to participating drivers as part of its agreement with those drivers the insurance coverage and limits of liability that the transportation network company provides while the driver uses a vehicle in connection with a transportation network company's online-enabled

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 application or platform, and shall advise a participating driver in writing that the driver's
6 personal automobile insurance policy may not provide any required or optional coverage
7 because the driver uses a vehicle in connection with a transportation network company's
8 online-enabled application or platform.

9 2. A transportation network company shall make the following disclosure to a
10 prospective driver in the prospective driver's terms of service:

11

12 **IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION**
13 **NETWORK COMPANY SERVICES FOR OUR TRANSPORTATION NETWORK**
14 **COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER**
15 **THAT YOU WILL BE USING THE VEHICLE FOR TRANSPORTATION SERVICES**
16 **THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE**
17 **LIENHOLDER.**

18

19 The disclosure set forth in this subsection shall be placed prominently in the prospective
20 driver's written terms of service, and the prospective driver shall acknowledge the terms
21 of service electronically or by signature.

379.1704. 1. A transportation network company and any participating driver shall
2 maintain transportation network company insurance as provided in this section.

3 2. The following requirements shall apply to transportation network company
4 insurance from the moment a participating driver accepts a ride request on the
5 transportation network company's online-enabled application or platform until the driver
6 completes the transaction on the online-enabled application or platform or until the ride
7 is complete, whichever is later:

8 (1) Transportation network company insurance shall provide primary liability
9 coverage and in an amount not less than one million dollars for death, bodily injury, and
10 property damage;

11 (2) Transportation network company insurance coverage provided under this
12 subsection shall provide uninsured motorist coverage in an amount not less than one
13 million dollars;

14 (3) Transportation network company insurance coverage provided under this
15 subsection shall provide collision physical damage coverage and comprehensive physical
16 damage coverage if the participating driver carries such coverages on his or her personal
17 automobile policy unless that insurer is providing transportation network company
18 insurance to the driver;

19 **(4) The requirements for the coverage required by this subsection shall be satisfied**
20 **by any of the following:**

21 **(a) Transportation network company insurance maintained by a participating**
22 **driver;**

23 **(b) Transportation network company insurance maintained by a transportation**
24 **network company;**

25 **(c) Any combination of paragraphs (a) and (b) of this subdivision;**

26 **(5) A transportation network company may meet its obligations under this**
27 **subsection through a policy obtained by a participating driver under paragraph (a) or (c)**
28 **of subdivision (4) of this subsection only if the transportation network company verifies**
29 **that the policy is maintained by the driver and is specifically written to cover the driver's**
30 **use of a vehicle in connection with a transportation network company's online-enabled**
31 **application or platform; and**

32 **(6) The insurer providing transportation network company insurance under this**
33 **subsection shall have the duty to defend and indemnify the insured.**

34 **3. The following requirements shall apply to transportation network company**
35 **insurance from the moment a participating driver logs on to the transportation network**
36 **company's online-enabled application or platform until the driver accepts a request to**
37 **transport a passenger, and from the moment the driver completes the transaction on the**
38 **online-enabled application or platform or the ride is complete, whichever is later, until the**
39 **driver either accepts another ride request on the online-enabled application or platform**
40 **or logs off the online-enabled application or platform:**

41 **(1) Transportation network company insurance shall provide primary liability**
42 **insurance and in an amount not less than fifty thousand dollars for death and bodily injury**
43 **per person; one hundred thousand dollars for death and bodily injury per incident; and**
44 **thirty thousand dollars for property damage;**

45 **(2) Transportation network company insurance coverage provided under this**
46 **subsection shall provide uninsured motorist coverage in an amount not less than the limits**
47 **for bodily injury or death set forth in subdivision (1) of this subsection;**

48 **(3) Transportation network company insurance coverage provided under this**
49 **subsection shall provide collision physical damage coverage and comprehensive physical**
50 **damage coverage if the participating driver carries such coverages on his or her personal**
51 **automobile policy unless that insurer is providing transportation network company**
52 **insurance to the driver;**

53 **(4) The requirements for the coverage required by this subsection shall be satisfied**
54 **by any of the following:**

55 (a) Transportation network company insurance maintained by a participating
56 driver;

57 (b) Transportation network company insurance maintained by a transportation
58 network company that provides coverage in the event a participating driver's insurance
59 policy under paragraph (a) of this subdivision has ceased to exist or has been canceled, or
60 the participating driver does not otherwise maintain transportation network company
61 insurance under this subdivision;

62 (c) Any combination of paragraphs (a) and (b) of this subdivision; and

63 (5) The insurer providing transportation network company insurance coverage
64 under this subsection shall have the duty to defend and indemnify the insured.

65 4. Coverage under a transportation network company insurance policy shall not
66 be dependent on a personal automobile insurance policy first denying a claim nor shall a
67 personal automobile policy be required to first deny a claim.

68 5. If transportation network company insurance maintained by a participating
69 driver to fulfill the insurance obligations of this section has lapsed or ceased to exist, the
70 transportation network company shall provide the coverage required by this section
71 beginning with the first dollar of a claim.

379.1706. 1. Nothing in this section shall be construed to require a private
2 passenger's automobile insurance policy to provide primary or excess coverage during the
3 period of time from the moment a participating driver in a transportation network
4 company logs on to the transportation network company's online-enabled application or
5 platform until the driver logs off the online-enabled application or platform or the
6 passenger exists the vehicle, whichever is later.

7 2. During the period of time from the moment a participating driver in a
8 transportation network company logs on to the transportation network company's
9 online-enabled application or platform until the driver logs off the online-enabled
10 application or platform or until the ride is complete, whichever is later, all of the following
11 shall apply:

12 (1) The participating driver's or the vehicle owner's personal automobile insurance
13 policy shall not provide any coverage to the participating driver, vehicle owner, or any
14 third party unless the policy expressly provides for that coverage during the period of time
15 to which this subsection is applicable, with or without a separate charge, or the policy
16 contains an amendment or endorsement to provide that coverage, for which a separately
17 stated premium is charged;

18 (2) The participating driver's or the vehicle owner's personal automobile insurance
19 policy shall not have the duty to defend or indemnify for the driver's activities in

20 connection with the transportation network company unless the policy expressly provides
21 otherwise for the period of time to which this subsection is applicable, with or without a
22 separate charge, or the policy contains an amendment or endorsement to provide that
23 coverage, for which a separately stated premium is charged.

24 3. Notwithstanding any other law, a personal automobile insurer may, at its
25 discretion, offer an automobile liability insurance policy or an amendment or endorsement
26 to an existing policy that covers a private passenger vehicle, station wagon-type vehicle,
27 sport utility vehicle, or similar type of vehicle with a passenger capacity of eight persons
28 or less including the driver while used in connection with a transportation network
29 company's online-enabled application or platform only if the policy expressly provides for
30 the coverage during the time period specified in subsection 2 of this section, with or without
31 a separate charge, or the policy contains an amendment or an endorsement to provide that
32 coverage, for which a separately stated premium may be charged.

 379.1708. 1. In a claims coverage investigation, a transportation network company
2 or its insurer shall cooperate with insurers that are involved in the claims coverage
3 investigation to facilitate the exchange of information including the provision of dates and
4 times at which an accident occurred that involved a participating driver and the precise
5 times that the participating driver logged on and off the transportation network company's
6 online-enabled application or platform.

7 2. A transportation network company or its insurer shall provide, upon written
8 request of the driver's personal vehicle insurer for a claims coverage investigation, all data
9 and records associated with such personal vehicle while providing transportation network
10 company services within fifteen calendar days of such insurer's written request.

11 3. All records including electronic records showing the time when a driver has
12 logged on as active or logged off as inactive on the transportation network company's
13 online-enabled application or platform and any data or reports with information about the
14 motor vehicle's involvement in a motor vehicle accident that are maintained by the
15 transportation network company shall be maintained for a minimum of five years after the
16 date the loss is reported to the transportation network company.

 379.1710. A participating driver of a transportation network company shall carry
2 proof of transportation network company insurance coverage at all times during his or her
3 use of a vehicle in connection with a transportation network company's online-enabled
4 application or platform. In the event of an accident, a participating driver shall provide
5 this insurance coverage information to any other party involved in the accident, and to a
6 police officer, upon request.

2 **379.1712. If a transportation network company's insurer makes a payment for a**
3 **claim covered under comprehensive coverage or collision coverage, the transportation**
4 **network company shall cause its insurer to issue the payment directly to the business**
5 **repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on**
6 **the covered vehicle.**

2 **379.1714. A transportation network company shall assume liability including the**
3 **costs of defense and indemnification for a claim in which a dispute exists as to whether the**
4 **loss or injury giving rise to the claim occurred while an insured vehicle was available to**
5 **provide transportation network services. The transportation network company shall**
6 **notify the registered owner and the registered owner's insurer of any such dispute within**
7 **twenty-five business days of receiving notice of the accident that gives rise to such claim.**

2 **379.1716. Notwithstanding any other law affecting whether one or more policies**
3 **of insurance that may apply with respect to an occurrence is primary or excess, the**
4 **provisions of sections 379.1700 to 379.1716 determine the obligations under insurance**
5 **policies issued to transportation network companies and, if applicable, drivers using a**
6 **vehicle in connection with a transportation network company's online-enabled application**
7 **or platform.**

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