

SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 172
by Senator Morrish

AMENDMENT NO. 1

On page 3, delete lines 12 through 29, and on page 4 delete lines 1 through 21, and insert the following:

(1) "Bodily injury" includes but is not limited to claims for wrongful death, loss of services, loss of consortium, bystander injury, mental anguish and emotional distress suffered by others.

(2) "Digital network" means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(3) "Personal vehicle" means a vehicle that is used by a transportation network company driver and is owned, leased or otherwise authorized for use by the transportation network company driver. A personal vehicle is not a vehicle subject to Parts A and B of this Chapter or engaged solely in interstate commerce.

(4) "Prearranged ride" means the provision of transportation by a driver to a rider or a person providing items to be transported, beginning when a driver accepts a ride requested by a person through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider or items to be transported, and ending when the last requesting rider departs or the item to be transported is removed from the personal vehicle. A prearranged ride does not include transportation provided using a vehicle subject to Parts A and B of this Chapter or engaged solely in interstate commerce.

(5) "Pre-trip acceptance period" means any period of time during which a driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride as defined in Paragraph (3) of this Section.

(6) "Transportation network company" means a person, whether natural or juridical, that uses a digital network to connect transportation network company riders or persons providing items for transport to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

(7) "Transportation network company driver" or "driver" means a person who receives connections to potential passengers or providers of items to be transported and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and who uses a personal vehicle to offer or provide a prearranged ride to persons upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(8) "Transportation network company rider" or "rider" means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider. "Rider" also means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides for items provided by the rider and to be transported in the driver's personal vehicle between points chosen by the rider.

1 **§201.5. Agreements with drivers; mandatory disclosures; prohibited provision**
2 **A. The transportation network company shall disclose the following in**
3 **writing to transportation network company drivers before they are allowed to**
4 **accept a request for a prearranged ride on the transportation network**
5 **company’s digital network:**

6 **(1) The insurance coverage, including the types of coverage and the**
7 **limits for each coverage, which the transportation network company provides**
8 **while the transportation network company driver uses a personal vehicle in**
9 **connection with a transportation network company’s digital network.**

10 **(2) That the transportation network company driver’s own automobile**
11 **insurance policy may or may not provide any coverage while the driver is**
12 **logged on to the transportation network company’s digital network during the**
13 **pre-trip acceptance period or is engaged in a prearranged ride, depending on**
14 **its terms."**

15 AMENDMENT NO. 2

16 On page 4, between lines 25 and 26, insert the following:

17 **"C. To the extent that any agreement between a transportation network**
18 **company and a driver or rider, or between a driver and a rider addresses liability, any**
19 **clause is null that, in advance, excludes or limits the liability of one party for causing**
20 **bodily injury to the other party."**

21 AMENDMENT NO. 3

22 On page 4, delete lines 27 through 29, and on page 5, delete lines 1 through 20, and insert
23 the following:

24 **"A. A transportation network company driver or a transportation**
25 **network company on the driver’s behalf shall maintain primary automobile**
26 **insurance that meets the requirements of this Section.**

27 **B. Automobile insurance during the pre-trip acceptance period shall:**

28 **(1) Be in the amount of not less than fifty thousand dollars for death and**
29 **bodily injury per person, not less than one hundred thousand dollars for death**
30 **and bodily injury per incident, and not less than twenty-five thousand dollars**
31 **for property damage.**

32 **(2) Include uninsured and underinsured motorist coverage to the extent**
33 **required by R.S. 22:1295.**

34 **C. Automobile insurance during a prearranged ride shall:**

35 **(1) Be in the amount of not less than one million dollars for death, bodily**
36 **injury, and property damage.**

37 **(2) Include uninsured and underinsured motorist coverage in the amount**
38 **of not less than one million dollars."**

39 AMENDMENT NO. 4

40 On page 5, line 22, delete "transportation network company" and insert "policy of"

41 AMENDMENT NO. 5

42 On page 5, line 24, delete "participating" and insert "transportation network company"

43 AMENDMENT NO. 6

44 On page 5, line 28, after "policy" insert "of insurance"

45 AMENDMENT NO. 7

46 On page 6, line 3, delete "connection method" and insert "digital network"

1 AMENDMENT NO. 8

2 On page 6, delete lines 4 through 9, and insert "**E. Coverage under an automobile**
3 **insurance policy maintained by a transportation network company**"

4 AMENDMENT NO. 9

5 On page 6, line 10, delete "**insurance policy**" and insert "**insurer**"

6 AMENDMENT NO. 10

7 On page 6, line 11, delete "**insurance policy**" and insert "**insurer**"

8 AMENDMENT NO. 11

9 On page 6, delete lines 13 through 17, and insert the following:

10 **"F. If insurance maintained by a transportation network company driver**
11 **to fulfill the insurance requirements of this Section has lapsed or does not**
12 **provide the coverage required by this Section, the transportation network**
13 **company shall provide the coverage required by this Section beginning with the**
14 **first dollar of a claim and shall have the duty to defend such claim.**

15 **G. A policy of insurance procured pursuant to this Section:**

16 **(1) Shall recognize that the driver is a transportation network company**
17 **driver or otherwise uses a personal vehicle to transport riders or items for**
18 **compensation and covers the driver during the pre-trip acceptance period, a**
19 **prearranged ride, or both.**

20 **(2) May be placed with an authorized insurer or with a surplus lines**
21 **insurer pursuant to R.S. 22:432.**

22 **(3) Shall be deemed to satisfy the Motor Vehicle Safety Responsibility**
23 **Law, R.S. 32:851 et seq."**

24 AMENDMENT NO. 12

25 On page 6, lines 19 and 20, delete "**the Public Service Commission.**" and insert "**any**
26 **parish or municipality that requires or requests such a filing.**"

27 AMENDMENT NO. 13

28 On page 6, delete lines 21 through 29, and on page 7, delete lines 1 through 25, and insert
29 the following:

30 **"§201.7. Automobile insurance provisions**

31 **A. (1) Insurers that write automobile insurance in this state may exclude**
32 **any or all coverage afforded under the policy issued to an owner or operator of**
33 **a personal vehicle for any loss or injury that occurs while a driver is logged on**
34 **to a transportation network company's digital network during the pre-trip**
35 **acceptance period or while a driver is engaged in a prearranged ride. This right**
36 **to exclude coverage shall apply to any or all coverage in an automobile**
37 **insurance policy including but not limited to:**

- 38 **(a) Liability coverage for bodily injury.**
- 39 **(b) Liability coverage for property damage.**
- 40 **(c) Uninsured and underinsured motorist coverage.**
- 41 **(d) Medical payments coverage.**
- 42 **(e) Comprehensive physical damage coverage.**
- 43 **(f) Collision physical damage coverage.**

44 **(2) The exclusions permitted in Subsection A of this Section shall apply**
45 **notwithstanding any requirement under the Motor Vehicle Safety**
46 **Responsibility Law, R.S. 32:851 et seq. or other laws. Nothing in this Section**
47 **implies or requires that a personal automobile insurance policy provide**
48 **coverage while the driver is logged on to the transportation network company's**

digital network during the pre-trip acceptance period, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers or items for compensation.

(3) Nothing in this Part shall be deemed to preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it chooses to do so by contract or endorsement.

B. (1) Automobile insurers that exclude the coverage described in R.S. 45:201.6 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in R.S. 45:201.1 through 201.14 shall be deemed to invalidate or limit an exclusion contained in a policy including any policy in use or approved for use in this state prior to the effective date of this Part that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(2) An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of R.S. 45:201.6 at the time of loss.

C. If a transportation network company's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the transportation network company shall cause its insurer to issue the payment directly to the repair facility or jointly to the owner of the vehicle and the primary holder of any security interest, privilege, or lien on the covered vehicle. No fine shall result for a violation of this Subsection.

§201.8. Cooperation with investigation

In a claims coverage investigation, within fourteen days of a request for information, a transportation network company and any insurer potentially providing coverage under R.S. 45:201.6 shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network company driver if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under R.S. 45:201.6."