

CHAPTER 93

TRANSPORTATION NETWORK COMPANY INSURANCE

§7301. Short title

This chapter may be known and cited as "the Transportation Network Company Insurance Act."
[PL 2015, c. 279, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 279, §1 (NEW).

§7302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 279, §1 (NEW).]

1. Digital network. "Digital network" means any online-enabled application, software, website or system offered or used by a transportation network company that enables the provision of prearranged rides by transportation network company drivers.

[PL 2015, c. 279, §1 (NEW).]

2. Personal vehicle. "Personal vehicle" means a vehicle that:

A. Is used by a transportation network company driver; [PL 2015, c. 279, §1 (NEW).]

B. Is owned, leased or otherwise authorized for use by the transportation network company driver; and [PL 2015, c. 279, §1 (NEW).]

C. Is not a taxicab, as defined in Title 29-A, section 101, subsection 79, a limousine, as defined in Title 29-A, section 101, subsection 32 or for-hire transportation as defined in Title 29-A, section 101, subsection 25. [PL 2015, c. 279, §1 (NEW).]

[PL 2015, c. 279, §1 (NEW).]

3. Prearranged ride. "Prearranged ride" means transportation provided by a transportation network company driver to a transportation network company rider, beginning when the driver accepts a transportation request through a digital network and ending when the rider departs from the driver's personal vehicle. "Prearranged ride" does not include transportation provided using a taxi, limousine or other for-hire vehicle or transportation through a shared-expense carpool or vanpool arrangement that does not generate income or profit or accept a transportation request through a digital network.

[PL 2015, c. 279, §1 (NEW).]

4. Transportation network company. "Transportation network company" means a corporation, partnership, sole proprietorship or other entity operating in the State that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. "Transportation network company" does not include a transportation broker arranging nonemergency medical transportation for Medicaid or Medicare members pursuant to a contract with the State or a managed care organization.

[PL 2015, c. 279, §1 (NEW).]

5. Transportation network company driver; driver. "Transportation network company driver" or "driver" means an individual who:

A. Receives information regarding potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and [PL 2015, c. 279, §1 (NEW).]

B. Uses a personal vehicle to offer or provide prearranged rides to a transportation network company rider in return for compensation or payment of a fee. [PL 2015, c. 279, §1 (NEW).]
[PL 2015, c. 279, §1 (NEW).]

6. Transportation network company rider; rider. "Transportation network company rider" or "rider" means an individual or person who uses a transportation network company's digital network to connect with a transportation network company driver for a ride between locations chosen by the rider. [PL 2015, c. 279, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 279, §1 (NEW).

§7303. Financial responsibility

1. Insurance coverage required. A transportation network company driver or a transportation network company on the driver's behalf shall maintain primary automobile liability insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and that covers the driver in accordance with this section. [PL 2015, c. 279, §1 (NEW).]

2. Minimum insurance requirements for driver while on digital network. While a transportation network company driver is logged into the transportation network company digital network but is not engaged in a prearranged ride, primary automobile liability insurance must be maintained in the following amounts:

- A. For death and bodily injury, \$50,000 per person; for death and bodily injury per incident, \$100,000; and for property damage, \$25,000; [PL 2015, c. 279, §1 (NEW).]
- B. The minimum amounts of insurance coverage for medical payments under Title 29-A, section 1605-A; and [PL 2015, c. 279, §1 (NEW).]
- C. Uninsured vehicle and underinsured motor vehicle coverage required pursuant to section 2902. [PL 2015, c. 279, §1 (NEW).]

The coverage requirements of this subsection may be satisfied by automobile insurance maintained by the transportation network company driver, automobile insurance maintained by the transportation network company or a combination of automobile insurance maintained by the transportation network company driver and the transportation network company. [PL 2015, c. 279, §1 (NEW).]

3. Minimum insurance requirements while engaged in prearranged ride. While a transportation network company driver is engaged in a prearranged ride, primary automobile liability insurance must be maintained in the following amounts:

- A. For death, bodily injury and property damage, \$1,000,000; [PL 2015, c. 279, §1 (NEW).]
- B. The minimum amounts of insurance coverage for medical payments under Title 29-A, section 1605-A; and [PL 2015, c. 279, §1 (NEW).]
- C. Uninsured vehicle and underinsured motor vehicle coverage required pursuant to section 2902. [PL 2015, c. 279, §1 (NEW).]

The coverage requirements of this subsection may be satisfied by automobile insurance maintained by the transportation network company driver, automobile insurance maintained by the transportation network company or a combination of automobile insurance maintained by the transportation network company driver and the transportation network company. [PL 2015, c. 279, §1 (NEW).]

4. Lapse of coverage; duty to defend. When automobile insurance maintained by a transportation network company driver to fulfill the insurance obligations of this section has lapsed or does not provide the coverage required by this section, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim, and the transportation network company's insurer has a duty to defend the claim.

[PL 2015, c. 279, §1 (NEW).]

5. Coverage not dependent on denial of claim. Coverage under an automobile insurance policy maintained by a transportation network company may not be dependent on the denial of the claim under a personal automobile insurance policy.

[PL 2015, c. 279, §1 (NEW).]

6. Insurer. Insurance required by this section may be placed with an insurer that is licensed under the provisions of this Title or is authorized as a surplus lines insurer pursuant to chapter 19.

[PL 2015, c. 279, §1 (NEW).]

7. Satisfaction of financial responsibility requirements. Insurance satisfying the requirements of this section is deemed to satisfy the financial responsibility requirement for a motor vehicle set forth in section 2902 and Title 29-A, section 1605.

[PL 2015, c. 279, §1 (NEW).]

8. Evidence of coverage for transportation network company insurance. A transportation network company driver shall carry at all times evidence of coverage satisfying this section during the driver's use of a vehicle in connection with a transportation network company's digital network. A transportation network company driver shall provide evidence of insurance coverage to a law enforcement officer upon request and, in the event of an accident, a transportation network company driver shall provide insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Title 29-A, section 1601. Upon request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers and investigating police officers whether the driver was logged into the transportation network company's digital network or engaged in a prearranged ride at the time of an accident.

[PL 2015, c. 279, §1 (NEW).]

9. Claims payments. 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 business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

[PL 2015, c. 279, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 279, §1 (NEW).

§7304. Disclosure

Before a transportation network company driver may accept a request for a prearranged ride through the transportation network company's digital network, the transportation network company shall disclose in writing to the driver: [PL 2015, c. 279, §1 (NEW).]

1. Coverage provided. The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network;

[PL 2015, c. 279, §1 (NEW).]

2. Personal policy may not cover. That the transportation network company driver's own automobile insurance policy, depending on the policy's terms, might not provide any coverage while the driver is logged into the transportation network company's digital network and is available to receive transportation requests or while the driver is engaged in a prearranged ride; [PL 2015, c. 279, §1 (NEW).]

3. Contact insurer or agent. That the transportation network company driver must contact the driver's personal automobile insurer or insurance producer to advise the insurer or producer that the driver will be providing transportation network services and to determine the coverage, if any, that may be available from the driver's personal automobile insurance policy; and [PL 2015, c. 279, §1 (NEW).]

4. Potential impact on lien. That, if the motor vehicle that the transportation network company driver uses to provide transportation network services has a lien against it, using the motor vehicle for transportation network services without physical damage coverage may violate the terms of the contract with the lienholder. [PL 2015, c. 279, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 279, §1 (NEW).

§7305. Automobile insurance provisions

1. Exclude coverage. Notwithstanding section 2902 or Title 29-A, section 1605, an insurer that writes automobile insurance in this State may exclude coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a transportation network company driver is logged into a transportation network company's digital network or while a driver is engaged in a prearranged ride. The authority to exclude coverage applies to any coverage included in an automobile insurance policy, including, but not limited to:

- A. Liability coverage for bodily injury and property damage; [PL 2015, c. 279, §1 (NEW).]
- B. Uninsured vehicle and underinsured motor vehicle coverage; [PL 2015, c. 279, §1 (NEW).]
- C. Medical payments coverage; [PL 2015, c. 279, §1 (NEW).]
- D. Comprehensive physical damage coverage; and [PL 2015, c. 279, §1 (NEW).]
- E. Collision physical damage coverage. [PL 2015, c. 279, §1 (NEW).]

Nothing in this section requires that a personal automobile insurance policy provide coverage while the driver is logged into the transportation network company's digital network, the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport riders for compensation.

Nothing in this section may be construed to preclude an insurer from entering into a contract to provide coverage for a transportation network company driver's personal vehicle. [PL 2015, c. 279, §1 (NEW).]

2. No duty to indemnify. If an insurer has excluded coverage described in section 7303, the insurer has no duty to defend or indemnify any claim expressly excluded. Nothing in this chapter may be construed 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 chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. [PL 2015, c. 279, §1 (NEW).]

3. Right of contribution. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of section 7303 at the time of loss.

[PL 2015, c. 279, §1 (NEW).]

4. Cooperation. In a claims coverage investigation, a transportation network company and any insurer potentially providing coverage under section 7303 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 but not limited to:

A. The precise times that a transportation network company driver logged into and off of the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident; and [PL 2015, c. 279, §1 (NEW).]

B. A clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under this chapter. [PL 2015, c. 279, §1 (NEW).]

[PL 2015, c. 279, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 279, §1 (NEW).

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