

§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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