

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 278, Page 33, Section 301.645, Line 17, by inserting after all of said line the  
3 following:

4  
5 “379.1700. As used in sections 379.1700 to 379.1706, the following terms shall mean:

6 (1) “Digital network”, any online-enabled application, software, website, or system offered  
7 or utilized by a transportation network company that enables the prearrangement of rides with  
8 transportation network company drivers;

9 (2) “Personal vehicle”, a vehicle that is used by a transportation network company driver and  
10 is:

11 (a) Owned, leased, or otherwise authorized for use by the transportation network company  
12 driver; and

13 (b) Not a taxicab, limousine, or for-hire vehicle under chapter 390;

14 (3) "Prearranged ride", the provision of transportation by a driver to a rider, beginning when  
15 a driver accepts a ride requested by a rider through a digital network controlled by a transportation  
16 network company, continuing while the driver transports a requesting rider, and ending when the last  
17 requesting rider departs from the personal vehicle. A prearranged ride shall not include shared  
18 expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other  
19 for-hire vehicle under chapter 390;

20 (4) "Transportation network company", a corporation, partnership, sole proprietorship, or  
21 other entity that is licensed and operating in Missouri that uses a digital network to connect  
22 transportation network company riders to transportation network company drivers who provide  
23 prearranged rides. A transportation network company shall not be deemed to control, direct, or  
24 manage the personal vehicles or transportation network company drivers that connect to its digital  
25 network, except if agreed to by written contract;

26 (5) "Transportation network company driver" or "driver", an individual who:

27 (a) Receives connections to potential riders and related services from a transportation  
28 network company in exchange for payment of a fee to the transportation network company; and

29 (b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection  
30 through a digital network controlled by a transportation network company in return for  
31 compensation or payment of a fee;

32 (6) "Transportation network company rider" or "rider", an individual or persons who use a  
33 transportation network company's digital network to connect with a transportation network driver  
34 who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by  
35 the rider.

36 379.1702. 1. Beginning April 1, 2016, and thereafter, a transportation network company

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1 driver or transportation network company on the driver's behalf shall maintain primary automobile  
2 insurance that:

3 (1) Recognizes that the driver is a transportation network company driver or otherwise uses a  
4 vehicle to transport riders for compensation; and

5 (2) Covers the driver while the driver is logged on to the transportation network company's  
6 digital network or while the driver is engaged in a prearranged ride.

7 2. The following automobile insurance requirements shall apply while a participating  
8 transportation network company driver is logged on to the transportation network company's digital  
9 network and is available to receive transportation requests but is not engaged in a prearranged ride:

10 (1) Primary automobile liability insurance in the amount of at least fifty thousand dollars for  
11 death and bodily injury per person, one hundred thousand dollars for death and bodily injury per  
12 incident, and twenty-five thousand dollars for property damage;

13 (2) Uninsured motorist coverage in an amount not less than the limits set forth in section  
14 379.203;

15 (3) The coverage requirements of this subsection may be satisfied by any of the following:

16 (a) Automobile insurance maintained by the transportation network company driver;

17 (b) Automobile insurance maintained by the transportation network company; or

18 (c) Any combination of paragraphs (a) and (b) of this subdivision.

19 3. The following automobile insurance requirements shall apply while a transportation  
20 network company driver is engaged in a prearranged ride:

21 (1) Primary automobile liability insurance in the amount of at least one million dollars for  
22 death, bodily injury, and property damage;

23 (2) Uninsured motorist coverage in an amount not less than the limits set forth in section  
24 379.203;

25 (3) The coverage requirements of this subsection may be satisfied by any of the following:

26 (a) Automobile insurance maintained by the transportation network company driver;

27 (b) Automobile insurance maintained by the transportation network company; or

28 (c) Any combination of paragraphs (a) and (b) of this subdivision.

29 4. If insurance maintained by a driver in subsection 2 or 3 of this section has lapsed or does  
30 not provide the required coverage, insurance maintained by a transportation network company shall  
31 provide the coverage required by this section beginning with the first dollar of a claim and shall have  
32 the duty to defend such claim. If the insurance maintained by the driver does not otherwise exclude  
33 coverage for loss or injury while the driver is logged on to a transportation network's digital network  
34 or while the driver provides a prearranged ride, but does not provide insurance coverage at the  
35 minimum limits required by subsection 2 or 3 of this section, the transportation network company  
36 shall maintain insurance coverage that provides excess coverage beyond the driver's policy limits up  
37 to the limits required by subsection 2 or 3 of this section, as applicable.

38 5. Coverage under an automobile insurance policy maintained by the transportation network  
39 company shall not be dependent on a personal automobile insurer first denying a claim nor shall a  
40 personal automobile insurance policy be required to first deny a claim.

41 6. Insurance required by this section may be placed with an insurer authorized to issue  
42 policies of automobile insurance in the state of Missouri or with an eligible surplus lines insurer  
43 under chapter 384.

44 7. Insurance satisfying the requirements of this section shall be deemed to satisfy the motor  
45 vehicle financial responsibility requirements for a motor vehicle under chapter 303.

46 8. A transportation network company driver shall carry proof of coverage satisfying  
47 subsections 2 and 3 of this section with him or her at all times during his or her use of a vehicle in  
48 connection with a transportation network company's digital network. In the event of an accident, a

1 transportation network company driver shall provide this insurance coverage information to the  
 2 directly interested parties, automobile insurers, and investigating police officers, upon request under  
 3 section 303.024. Upon such request, a transportation network company driver shall also disclose to  
 4 directly interested parties, automobile insurers, and investigating police officers whether the driver  
 5 was logged on to the transportation network company's digital network or on a prearranged ride at  
 6 the time of an accident.

7 379.1704. The transportation network company shall disclose in writing to transportation  
 8 network company drivers the following before they are allowed to accept a request for a prearranged  
 9 ride on the transportation network company's digital network:

10 (1) The insurance coverage, including the types of coverage and the limits for each coverage,  
 11 that the transportation network company provides while the transportation network company driver  
 12 uses a personal vehicle in connection with a transportation network company's digital network; and

13 (2) That the transportation network company driver's own automobile insurance policy  
 14 might not provide any coverage while the driver is logged on to the transportation network  
 15 company's digital network and is available to receive transportation requests or is engaged in a  
 16 prearranged ride depending on the policy's terms.

17 379.1705. A transportation network company shall make the following disclosure to a  
 18 prospective driver in the prospective driver's terms of service:

19  
 20 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK  
 21 COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE VEHICLE FOR  
 22 TRANSPORTATION NETWORK COMPANY SERVICES MAY VIOLATE THE TERMS OF  
 23 YOUR CONTRACT WITH THE LIENHOLDER.

24  
 25 IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A PAYMENT FOR A  
 26 CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR COLLISION COVERAGE,  
 27 THE TRANSPORTATION NETWORK COMPANY SHALL CAUSE ITS INSURER TO ISSUE  
 28 THE PAYMENT DIRECTLY TO THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO  
 29 THE OWNER OF THE VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED  
 30 VEHICLE.

31  
 32 The disclosure set forth in this subsection shall be placed prominently in the prospective driver's  
 33 written terms of service, and the prospective driver shall acknowledge the terms of service  
 34 electronically or by signature.

35 379.1706. 1. Insurers that write automobile insurance in Missouri may exclude or limit any  
 36 and all coverage afforded under an automobile insurance policy, including a motor vehicle liability  
 37 policy, issued to an owner or operator of a personal vehicle for any loss or injury that occurs while:

38 (1) A driver is logged on to a transportation network company's digital network;

39 (2) A driver provides a prearranged ride; or

40 (3) A motor vehicle is being used to transport or carry persons or property for any  
 41 compensation or suggested donation;

42 2. The right to exclude all coverage under subsection 1 of this section may apply to any  
 43 coverage included in an automobile insurance policy including, but not limited to:

44 (1) Liability coverage for bodily injury and property damage;

45 (2) Uninsured and underinsured motorist coverage;

46 (3) Medical payments coverage;

47 (4) Comprehensive physical damage coverage; and

48 (5) Collision physical damage coverage.

1  
2 Such exclusions shall apply notwithstanding any financial responsibility requirement or uninsured  
3 motorist coverage requirement under the motor vehicle financial responsibility law, chapter 303 or  
4 section 379.203, respectively. Nothing in this section implies or requires that a personal automobile  
5 insurance policy provide coverage while the driver is logged on to the transportation network  
6 company's digital network, while the driver is engaged in a prearranged ride, or while the driver  
7 otherwise uses a vehicle to transport passengers or property for compensation.

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

10 4. Automobile insurers that exclude the coverage described in section 379.1702 shall have  
11 no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section  
12 shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use  
13 or approved for use in Missouri prior to the enactment of this section that excludes coverage for  
14 vehicles used to carry persons or property for a charge or available for hire by the public.

15 5. An automobile insurer that defends or indemnifies a claim against a driver that is excluded  
16 under the terms of its policy shall have a right of contribution against other insurers that provide  
17 automobile insurance to the same driver in satisfaction of the coverage requirements of section  
18 379.1702 at the time of loss.

19 6. In a claims coverage investigation, transportation network companies and any insurer  
20 potentially providing coverage under section 379.1702 shall cooperate to facilitate the exchange of  
21 relevant information with each other and any insurer of the transportation network company driver if  
22 applicable, including the precise times that a transportation network company driver logged on and  
23 off of the transportation network company's digital network in the twelve-hour period immediately  
24 preceding and in the twelve-hour period immediately following the accident and disclose to one  
25 another a clear description of the coverage, exclusions, and limits provided under any automobile  
26 insurance maintained under section 379.1702.”; and

27  
28 Further amend said bill by amending the title, enacting clause, and intersectional references  
29 accordingly.