

**PROPOSED AMENDMENTS TO
HOUSE BILL 2995**

1 On page 1 of the printed bill, line 3, after the first semicolon delete the
2 rest of the line and insert “and prescribing an effective date.”.

3 Delete lines 5 through 30 and delete pages 2 through 5 and insert:

4 **“SECTION 1. As used in sections 1 to 6 of this 2015 Act:**

5 **“(1) ‘Participating driver’ means an individual who:**

6 **“(a) Receives requests for prearranged rides from potential passen-**
7 **gers through a transportation digital network; and**

8 **“(b) Offers or provides prearranged rides to passengers in exchange**
9 **for a fee paid by passengers.**

10 **“(2) ‘Personal vehicle’ means a vehicle that is owned or leased by,**
11 **or otherwise authorized for the personal use of, the individual operat-**
12 **ing the vehicle.**

13 **“(3) ‘Prearranged ride’ means the provision of transportation by the**
14 **operator of a personal vehicle to one or more passengers between**
15 **points chosen by the passenger or passengers, beginning when a driver**
16 **accepts a request for transportation and ending when the last re-**
17 **questing passenger departs from the vehicle.**

18 **“(4) ‘Transportation digital network’ means an Internet-based soft-**
19 **ware application, website or platform that allows operators of personal**
20 **vehicles and potential passengers to communicate for the purpose of**
21 **arranging and providing prearranged rides.**

22 **“(5)(a) ‘Transportation network company’ means an entity that is**

1 qualified to do business in this state that offers or operates a trans-
2 portation digital network.

3 “(b) ‘Transportation network company’ does not include an entity:

4 “(A) That provides taxicab services;

5 “(B) That is engaged in the business of providing transportation
6 along fixed routes or at regular intervals;

7 “(C) That is engaged in the business of providing for-hire trans-
8 portation using motor vehicles that the entity owns, operates or oth-
9 erwise controls; or

10 “(D) That contracts with a government entity or a coordinated care
11 organization, as defined in ORS 414.025, to serve Medicaid recipients.

12 **“SECTION 2. (1) A transportation network company shall maintain
13 primary insurance on behalf of each participating driver that receives
14 requests for prearranged rides through the company’s transportation
15 digital network that:**

16 **“(a) States explicitly that the driver is a participating driver; and**

17 **“(b) Meets the coverage requirements of subsections (2) and (3) of
18 this section.**

19 **“(2) The insurance required by subsection (1) of this section must
20 provide at least the following coverage while the participating driver
21 is connected to the transportation digital network and is available to
22 receive requests for prearranged rides, but is not engaged in providing
23 a prearranged ride:**

24 **“(a) Primary automobile liability coverage in the amount of \$50,000
25 per person for death and bodily injury, \$100,000 per incident for death
26 and bodily injury and \$25,000 for property damage;**

27 **“(b) Uninsured and underinsured motorist coverage for both the
28 participating driver and passengers in amounts equal to the primary
29 automobile liability limits set forth in paragraph (a) of this subsection;
30 and**

1 **“(c) Personal injury protection coverage that:**
2 **“(A) Meets the requirements of ORS 742.518 to 742.542; and**
3 **“(B) Is equal to the coverage provided by the personal automobile**
4 **insurance maintained by the owner of the vehicle and reported to the**
5 **transportation network company.**
6 **“(3) The insurance required by subsection (1) of this section must**
7 **provide at least the following coverage while the participating driver**
8 **is engaged in providing a prearranged ride:**
9 **“(a) Primary automobile liability coverage in the amount of**
10 **\$1,000,000 in the aggregate for death, bodily injury and property dam-**
11 **age;**
12 **“(b) Uninsured and underinsured motorist coverage for both the**
13 **participating driver and passengers in an amount equal to the primary**
14 **automobile liability limits set forth in paragraph (a) of this subsection;**
15 **and**
16 **“(c) Personal injury protection coverage that:**
17 **“(A) Meets the requirements of ORS 742.518 to 742.542; and**
18 **“(B) Is equal to the coverage provided by the personal automobile**
19 **insurance maintained by the owner of the vehicle and reported to the**
20 **transportation network company.**
21 **“(4) The insurance required by subsection (1) of this section may**
22 **not require or be dependent upon the denial of a claim under any other**
23 **policy of insurance.**
24 **“(5) The insurance required by subsection (1) of this section must**
25 **provide the coverage required by subsections (2) and (3) of this section**
26 **beginning with the first dollar of a claim.**
27 **“(6) The transportation network company has the duty to defend**
28 **any claim arising from the activities of a participating driver while the**
29 **driver is connected to a transportation digital network.**
30 **“(7) Insurance required under subsection (1) of this section may be**

1 placed with an insurer authorized as required under ORS 731.354 or
2 with an eligible surplus lines insurer as defined in ORS 735.405.

3 “(8) Insurance satisfying the requirements of subsection (1) of this
4 section constitutes proof of compliance with the financial responsibil-
5 ity requirements of this state for purposes of ORS chapter 806.

6 “(9) A participating driver shall carry proof of insurance satisfying
7 the requirements of subsection (1) of this section at all times while the
8 participating driver is operating a vehicle while connected to a trans-
9 portation digital network.

10 **“SECTION 3.** In the event of a motor vehicle accident involving a
11 participating driver, the participating driver shall:

12 “(1) Provide proof of insurance satisfying the requirements of sec-
13 tion 2 (1) of this 2015 Act to any other party involved in the accident,
14 to insurers of any other party involved in the accident and, upon re-
15 quest, to police officers; and

16 “(2) Upon request, disclose to any other party involved in the acci-
17 dent, insurers of any party involved in the accident and police officers
18 whether the participating driver was connected to a transportation
19 digital network or providing a prearranged ride at the time of the ac-
20 cident.

21 **“SECTION 4.** A transportation network company shall disclose in
22 writing to a prospective participating driver, before the prospective
23 participating driver accepts any request for a prearranged ride through
24 the transportation digital network:

25 “(1) The insurance coverage, including the types of coverage and
26 the limits of coverage, that the transportation network company pro-
27 vides while the participating driver is operating a vehicle while con-
28 nected to the company’s transportation digital network; and

29 “(2) That the participating driver’s personal automobile insurance
30 policy might not provide coverage while the participating driver is

1 operating a vehicle while connected to a transportation digital net-
2 work or providing a prearranged ride, depending on the terms of the
3 policy.

4 **“SECTION 5. (1) An insurer writing a personal automobile insur-**
5 **ance policy for delivery in this state may exclude coverage for loss or**
6 **injury occurring while the insured is operating a vehicle as a partic-**
7 **ipating driver while connected to a transportation digital network or**
8 **providing a prearranged ride. Exclusions under this section may in-**
9 **clude any coverage included in an automobile insurance policy, in-**
10 **cluding but not limited to liability coverage for bodily injury and**
11 **property damage, personal injury protection as described in ORS**
12 **742.518 to 742.542, uninsured and underinsured motorist coverage,**
13 **medical payments coverage, comprehensive physical damage coverage**
14 **and collision physical damage coverage.**

15 **“(2) An insurer that excludes coverage under this section has no**
16 **duty to defend or indemnify against any claim that is expressly ex-**
17 **cluded from coverage. An insurer that defends or indemnifies against**
18 **a claim that is expressly excluded from coverage under this section is**
19 **entitled to a right of contribution against any other insurer that pro-**
20 **vides automobile insurance to the same insured.**

21 **“(3) Nothing in sections 1 to 6 of this 2015 Act limits or invalidates**
22 **an exclusion contained in an insurance policy, including exclusions in**
23 **policies delivered in this state prior to the effective date of this 2015**
24 **Act.**

25 **“(4) Nothing in sections 1 to 6 of this 2015 Act precludes an insurer**
26 **from insuring a participating driver or a vehicle operated by a partic-**
27 **ipating driver.**

28 **“SECTION 6. In a claims coverage investigation:**

29 **“(1) A transportation network company and its insurer shall dis-**
30 **close to other insurers involved in the claims coverage investigation**

1 the date and time at which a motor vehicle accident involving a par-
2 ticipating driver occurred and the precise times at which the partic-
3 ipating driver connected to and disconnected from the transportation
4 digital network operated by the company in the 12-hour period pre-
5 ceding the accident and the 12-hour period following the accident; and

6 “(2) A transportation network company, its insurer and the insurers
7 of all parties involved in an accident described in subsection (1) of this
8 section shall disclose to one another the coverage, exclusions and
9 limits of insurance policies that potentially cover, partially or fully,
10 the claims at issue.

11 “SECTION 7. This 2015 Act takes effect on April 1, 2016.”.

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