

**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 declaring an emergency.”.

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

4 **“SECTION 1. As used in sections 1 to 7 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 **soliciting, 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) While a participating driver is connected to a
13 transportation digital network and is available to receive requests for
14 prearranged rides, but is not engaged in providing a prearranged ride,
15 the transportation network company that offers or operates the
16 transportation digital network shall ensure that primary insurance is
17 maintained on behalf of the participating driver that:

18 “(a) States explicitly that the driver is a participating driver;

19 “(b) Provides primary automobile liability coverage in the amount
20 of \$50,000 per person for death and bodily injury, \$100,000 per incident
21 for death and bodily injury and \$25,000 for property damage;

22 “(c) Provides uninsured motorist and underinsurance coverage that
23 meets the requirements of ORS 742.502; and

24 “(d) Provides personal injury protection coverage that meets the
25 requirements of ORS 742.518 to 742.542.

26 “(2) The insurance required by subsection (1) of this section may
27 be satisfied by any combination of insurance maintained by a partic-
28 ipating driver and insurance maintained by a transportation network
29 company.

30 “(3) While a participating driver is engaged in providing a prear-

1 ranged ride, the transportation network company that offers or oper-
2 ates the transportation digital network to which the participating
3 driver is connected shall maintain primary insurance on behalf of the
4 participating driver that:

5 “(a) States explicitly that the driver is a participating driver;

6 “(b) Provides primary automobile liability coverage in the amount
7 of \$1,000,000 in the aggregate for death, bodily injury and property
8 damage;

9 “(c) Provides uninsured motorist and underinsurance coverage that
10 meets the requirements of ORS 742.502; and

11 “(d) Provides personal injury protection coverage that meets the
12 requirements of ORS 742.518 to 742.542.

13 “(4) The insurance required by subsections (1) and (3) of this section
14 may not require or be dependent upon the denial of a claim under any
15 other policy of insurance.

16 “(5) The insurance required by subsections (1) and (3) of this section
17 must provide the coverage required under subsections (1) and (3) of
18 this section beginning with the first dollar of a claim.

19 “(6) A transportation network company has the duty to defend any
20 claim arising from the activities of a participating driver while the
21 driver is connected to the company’s transportation digital network.

22 “(7) Insurance required under subsections (1) and (3) of this section
23 may be placed with an insurer authorized as required under ORS
24 731.354 or with an eligible surplus lines insurer as defined in ORS
25 735.405.

26 “(8) Insurance satisfying the requirements of subsections (1) and (3)
27 of this section constitutes proof of compliance with the financial re-
28 sponsibility requirements of this state for purposes of ORS chapter 806.

29 “(9) A participating driver shall carry written or digital proof of
30 insurance satisfying the requirements of subsections (1) and (3) of this

1 section at all times while the participating driver is operating a vehicle
2 while connected to a transportation digital network.

3 “(10) A transportation network company may not request, require
4 or incentivize a participating driver to maintain any insurance policy
5 that covers risks relating to or arising from the activities of the par-
6 ticipating driver while the driver is connected to the company’s
7 transportation digital network.

8 **“SECTION 3.** Notwithstanding section 2 (2) of this 2015 Act, until
9 July 1, 2016, a transportation network company shall maintain the in-
10 surance required by section 2 (1) of this 2015 Act on behalf of each
11 participating driver that receives requests for prearranged rides
12 through the company’s transportation digital network.

13 **“SECTION 4.** In the event of a motor vehicle accident involving a
14 participating driver, the participating driver shall:

15 “(1) Provide proof of insurance satisfying the requirements of
16 sections 2 (1) and (3) of this 2015 Act to any other party involved in the
17 accident, to insurers of any other party involved in the accident and,
18 upon request, to police officers; and

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

24 **“SECTION 5.** A transportation network company shall disclose in
25 writing to a prospective participating driver, before the prospective
26 participating driver accepts any request for a prearranged ride through
27 the transportation digital network:

28 “(1) The insurance coverage, including the types of coverage and
29 the limits of coverage, that the transportation network company pro-
30 vides while the participating driver is operating a vehicle while con-

1 nected to the company's transportation digital network; and

2 “(2) That the participating driver's personal automobile insurance
3 policy might not provide coverage while the participating driver is
4 operating a vehicle while connected to a transportation digital net-
5 work or providing a prearranged ride, depending on the terms of the
6 policy.

7 **“SECTION 6. (1) An insurer writing a personal automobile insur-
8 ance policy for delivery in this state may exclude coverage for loss or
9 injury occurring while the insured is operating a vehicle as a partic-
10 ipating driver while connected to a transportation digital network or
11 providing a prearranged ride. Exclusions under this section may in-
12 clude any coverage included in an automobile insurance policy, in-
13 cluding but not limited to liability coverage for bodily injury and
14 property damage, personal injury protection as described in ORS
15 742.518 to 742.542, uninsured and underinsured motorist coverage,
16 medical payments coverage, comprehensive physical damage coverage
17 and collision physical damage coverage.**

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

24 **“(3) Nothing in sections 1 to 7 of this 2015 Act limits or invalidates
25 an exclusion contained in an insurance policy, including exclusions in
26 policies delivered in this state prior to the effective date of this 2015
27 Act.**

28 **“(4) Nothing in sections 1 to 7 of this 2015 Act precludes an insurer
29 from insuring a participating driver or a vehicle operated by a partic-
30 ipating driver.**

1 **SECTION 7. In a claims coverage investigation:**

2 **“(1) A transportation network company and its insurer shall dis-**
3 **close to other insurers involved in the claims coverage investigation**
4 **the date and time at which a motor vehicle accident involving a par-**
5 **ticipating driver occurred and the precise times at which the partic-**
6 **ipating driver connected to and disconnected from the transportation**
7 **digital network operated by the company in the 12-hour period pre-**
8 **ceding the accident and the 12-hour period following the accident; and**

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

14 **SECTION 8. This 2015 Act being necessary for the immediate**
15 **preservation of the public peace, health and safety, an emergency is**
16 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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