

Rob Dolton TNC Testimony- 2021 session; HB 2393 - A

I am an attorney from Clackamas, Oregon. For forty years, I have represented people who have been injured in motor vehicle collisions. On behalf of the injured victims of these crashes, I ask you to support HB 2393- A. This Bill, as amended, will extend personal injury protection (PIP) benefits to the drivers and passengers of Transportation Network Companies (TNC's) like UBER, LYFT and taxi companies.

Currently, when you buy an auto insurance policy issued for delivery in the State of Oregon it will include PIP coverage and UM/UIM benefits. PIP coverage is automatically included in every Oregon policy UNLESS the insured vehicle is "used as a public or livery conveyance". The quoted language has been interpreted to exclude TNC's and taxi companies from the requirement of PIP coverage. To be fair, it should be noted that Lyft currently voluntarily provides PIP coverage to their passengers.

PIP has two main parts that become available if you are in an accident and are injured. The coverage applies immediately regardless of who caused the accident.

First, PIP provides up to \$15,000 to pay for your crash-related medical care. Second, PIP pays for your lost wages at the rate of 70% of your average weekly wages up to a maximum of \$3000 a month for up to 52 weeks. These funds become available right away. PIP coverage helps victims avoid a financial predicament from lost wages or with medical providers hounding them for payment.

In practice, the 'livery conveyance' PIP exclusion means that TNC drivers and their passengers are excluded from PIP coverage when they are hurt in an accident. The drivers are also excluded from workers compensation coverage as they are considered to be independent contractors. The consequences of an injury producing collision can be financially and physically devastating for drivers and their families. Many drivers earn their livelihood from their work as a TNC driver. When they are too injured to drive AND excluded from wage reimbursement through PIP, they have no income at all to live on.

For passengers, no PIP coverage comes a cruel surprise. When riding as a passenger in a TNC vehicle a person is not protected by the same mandatory PIP coverage that applies to every other passenger vehicle on the road. No PIP for TNC passengers means that the decision to take a TNC ride rather than one's own car results in no money for medical bills and no wage reimbursement if the passenger is forced to miss work. If that passenger is lucky enough to have their own insured vehicle sitting at home in the driveway, PIP coverage can sometimes be available. However, recently insurance companies have been taking the position that they don't have to provide PIP to their insured when they are hurt as a passenger in a TNC vehicle BECAUSE THE PERSON WAS RIDING IN A 'LIVERY CONVEYANCE' VEHICLE.

The new language found on page 3 of the bill as an amendment adding ORS 742.520 (1)(e) is included in the Bill at the request of the insurance industry. Its sole purpose is to clarify that an insurer still has the right to exclude coverage for commercial use of a vehicle from the driver's own insurance policy covering private (non-commercial) use of their personal auto.

HB 2393-A simply closes the 'livery conveyance' loophole in current law. When this law takes effect next year drivers and passengers of TNC vehicles and taxis will automatically have PIP coverage just like every other passenger vehicle on the road.