STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 631 By: Quinn of the Senate

and

Echols of the House

COMMITTEE SUBSTITUTE

An Act relating to transportation network companies; amending Sections 7 and 16, Chapter 279, O.S.L. 2015 (47 O.S. Supp. 2016, Sections 1016 and 1025), which relate to transportation network drivers; providing that certain displays shall not alter certain relationships; modifying certain online status; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 7, Chapter 279, O.S.L. 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as follows:

Section 1016. A transportation network company's software application or website shall display a picture of the TNC driver and the license plate number of the motor vehicle utilized for providing the prearranged ride before the passenger enters the TNC driver's vehicle. A TNC that voluntarily elects to require TNC drivers to display the TNC company emblem or logo while in operation to identify the TNC vehicle and driver shall not in any way alter the contractual relationship between the parties or create an employer/employee relationship where one was not intended to exist by the parties.

SECTION 2. AMENDATORY Section 16, Chapter 279, O.S.L. 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as follows:

Section 1025. A. On or before July 1, 2015, and thereafter, a transportation network company driver or TNC on the TNC driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

1. While the driver is both logged on to and available to receive transportation requests on the TNC's digital network; or

2. While the driver is engaged in providing prearranged rides.

B. The following automobile insurance requirements shall apply while a TNC driver is both logged on to the TNC's digital network and ~~is~~ available to receive transportation requests but is not engaged in prearranged rides:

1. Primary automobile liability insurance in the amount of at least Fifty Thousand Dollars ($50,000.00) for death and bodily injury per person, One Hundred Thousand Dollars ($100,000.00) for

death and bodily injury per incident, and Twenty-five Thousand Dollars ($25,000.00) for property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

C. The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

1. Primary automobile liability insurance that provides at least One Million Dollars ($1,000,000.00) for death, bodily injury, and property damage;

2. Uninsured motorist coverage where not waived pursuant to Section 3636 of Title 36 of the Oklahoma Statutes; and

3. The coverage requirements of this subsection may be satisfied by any of the following:

a. automobile insurance maintained by the TNC driver,

b. automobile insurance maintained by the TNC, or

c. any combination of subparagraphs a and b of this paragraph.

D. If insurance maintained by a TNC driver in subsection B or C of this section has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

E. Coverage under an automobile insurance policy maintained by the TNC shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

F. Insurance required by this section may be placed with an insurer authorized to do business in this state or with a surplus lines insurer eligible under Section 1100 et seq. of Title 36 of the Oklahoma Statutes.

G. Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of Section 7-101 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this title, while the TNC driver is logged into the network.

H. A TNC driver shall carry proof of coverage satisfying subsections B and C of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company’s digital network. Proof of coverage may be presented in electronic format. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Section 7-102 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this title. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

SECTION 3. This act shall become effective November 1, 2017.

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