

1 **SENATE FLOOR VERSION**

2 February 28, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 631

By: Quinn of the Senate

and

Echols of the House

6
7
8
9 [transportation network companies - transportation
10 network drivers - certain trade dress certain online
11 status - effective date]
12

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

14 SECTION 1. AMENDATORY Section 7, Chapter 279, O.S.L.
15 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as
16 follows:

17 Section 1016. A transportation network company's software
18 application or website shall display a picture of the TNC driver and
19 the license plate number of the motor vehicle utilized for providing
20 the prearranged ride before the passenger enters the TNC driver's
21 vehicle. A TNC that voluntarily elects to require TNC drivers to
22 display the TNC company emblem or logo while in operation to
23 identify the TNC vehicle and driver shall not in any way alter the
24 contractual relationship between the parties or create an

1 employer/employee relationship where one was not intended to exist
2 by the parties.

3 SECTION 2. AMENDATORY Section 16, Chapter 279, O.S.L.
4 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as
5 follows:

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

11 1. While the driver is both logged on ~~to~~ and online on the
12 TNC's digital network; or

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

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

18 1. Primary automobile liability insurance in the amount of at
19 least Fifty Thousand Dollars (\$50,000.00) for death and bodily
20 injury per person, One Hundred Thousand Dollars (\$100,000.00) for
21 death and bodily injury per incident, and Twenty-five Thousand
22 Dollars (\$25,000.00) for property damage;

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

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

- 3 a. automobile insurance maintained by the TNC driver,
- 4 b. automobile insurance maintained by the TNC, or
- 5 c. any combination of subparagraphs a and b of this
- 6 paragraph.

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

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

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

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

- 16 a. automobile insurance maintained by the TNC driver,
- 17 b. automobile insurance maintained by the TNC, or
- 18 c. any combination of subparagraphs a and b of this
- 19 paragraph.

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

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

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

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

14 H. A TNC driver shall carry proof of coverage satisfying
15 subsections B and C of this section with him or her at all times
16 during his or her use of a vehicle in connection with a
17 transportation network company's digital network. Proof of coverage
18 may be presented in electronic format. In the event of an accident,
19 a TNC driver shall provide this insurance coverage information to
20 the directly interested parties, automobile insurers and
21 investigating police officers, upon request pursuant to Section 7-
22 102 et seq. of Title 47 of the Oklahoma Statutes. Upon such
23 request, a TNC driver shall also disclose to directly interested
24 parties, automobile insurers, and investigating police officers

1 whether he or she was logged on to the TNC's digital network or on a
2 prearranged ride at the time of an accident.

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

4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
5 February 28, 2017 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24