

Effective 5/10/2016

Part 2
Transportation Network Vehicle Recovery Fund

13-51-201 Transportation Network Vehicle Recovery Fund -- Creation -- Report to the Legislature.

- (1) As used in this part, "fund" means the Transportation Network Vehicle Recovery Fund created in Subsection (2).
- (2) There is created an expendable special revenue fund called the "Transportation Network Vehicle Recovery Fund."
- (3) The fund consists of:
 - (a) the amount collected by the division under Subsection 13-51-202(1); and
 - (b) interest earned on the money in the fund.
- (4) The division shall deposit the money collected for the fund in an account with the state treasurer and record the money in the fund.
- (5) The division may hire employees and allocate resources necessary to administer the fund.
- (6) The division shall use money from the fund to cover the division's cost to administer this part.
- (7) The fund is not insurance as defined in Section 31A-1-301.

Enacted by Chapter 359, 2016 General Session

13-51-202 Per-ride payment -- Initial assessment -- Assessment for shortfall.

- (1) Subject to Subsection (2), the division shall collect, from each transportation network company licensed under this chapter:
 - (a) a one-time assessment in the amount of \$15,000; and
 - (b) on the first day of each quarter, a payment of 10 cents for each prearranged ride provided by a transportation network driver in affiliation with the transportation network company during the quarter.
- (2) If, on the first day of a given quarter, the amount of money in the fund is greater than or equal to \$50,000, the division may not collect the payment for each prearranged ride described in Subsection (1)(b) for that quarter.
- (3) If the division does not collect a payment under Subsection (2) in a given quarter, the division shall resume collecting the prearranged ride payment described in Subsection (1)(b) on the first day of the next quarter on which the amount of money in the fund is less than \$50,000.
- (4) If the division grants a claim under Section 13-51-203 in an amount that is greater than the amount of money in the fund, the division shall assess each transportation network company licensed under this chapter an amount equal to the difference between the claim and the amount of money in the fund, divided by the number of transportation network companies licensed under this chapter.

Enacted by Chapter 359, 2016 General Session

13-51-203 Payment of a claim from the fund.

- (1) A person that holds a lien on a vehicle used by a transportation network driver to provide transportation network services may submit a claim to the division for payment from the fund for physical damage to the vehicle.

- (2) The division shall pay a claim for payment from the fund to a person that holds a lien on a vehicle described in Subsection (1) for physical damage to the vehicle if:
 - (a) the physical damage to the vehicle occurred during a waiting period or a prearranged ride;
 - (b) the lien complies with Section 41-1a-601;
 - (c) the person required the transportation network driver, by contract, to maintain insurance coverage for physical damage to the vehicle;
 - (d) the insurance coverage described in Subsection (2)(c):
 - (i) names the person as the loss payee;
 - (ii) was in effect at the time the physical damage occurred; and
 - (iii) denied coverage to the person as the loss payee on the sole basis that the transportation network driver used the vehicle to provide transportation network services in the state; and
 - (e) the division determines, no earlier than 10 days after the day on which the person makes the claim, that:
 - (i) no other insurance is available from the relevant transportation network company; and
 - (ii) the fund has enough money to cover the cost of the claim.
- (3) If the division grants a claim to a person for a lien on a transportation network driver's vehicle under Subsection (2), the fund shall pay the person the lesser of, as estimated by the division:
 - (a) the cost to repair the vehicle; or
 - (b) the actual cash value of the vehicle less any salvage costs.

Enacted by Chapter 359, 2016 General Session

13-51-204 State not liable.

The state, a state agency, or a political subdivision is not liable for:

- (1) the granting or denial of a claim under Section 13-51-203;
- (2) a claim made against the fund; or
- (3) a failure of the fund to pay an amount that the division orders paid from the fund.

Enacted by Chapter 359, 2016 General Session