

Effective 5/10/2016

13-51-108 Insurance.

- (1) A transportation network company or a transportation network driver shall maintain insurance that covers, on a primary basis, a transportation network driver's use of a vehicle during a prearranged ride and that includes:
 - (a) an acknowledgment that the transportation network driver is using the vehicle in connection with a transportation network company during a prearranged ride or that the transportation network driver is otherwise using the vehicle for a commercial purpose;
 - (b) liability coverage for a minimum amount of \$1,000,000 per occurrence;
 - (c) personal injury protection to the extent required under Sections 31A-22-306 through 31A-22-309;
 - (d) uninsured motorist coverage where required by Section 31A-22-305; and
 - (e) underinsured motorist coverage where required by Section 31A-22-305.3.
- (2) A transportation network company or a transportation network driver shall maintain insurance that covers, on a primary basis, a transportation network driver's use of a vehicle during a waiting period and that includes:
 - (a) an acknowledgment that the transportation network driver is using the vehicle in connection with a transportation network company during a waiting period or that the transportation network driver is otherwise using the vehicle for a commercial purpose;
 - (b) liability coverage in a minimum amount, per occurrence, of:
 - (i) \$50,000 to any one individual;
 - (ii) \$100,000 to all individuals; and
 - (iii) \$30,000 for property damage;
 - (c) personal injury protection to the extent required under Sections 31A-22-306 through 31A-22-309;
 - (d) uninsured motorist coverage where required by Section 31A-22-305; and
 - (e) underinsured motorist coverage where required by Section 31A-22-305.3.
- (3) A transportation network company and a transportation network driver may satisfy the requirements of Subsections (1) and (2) by:
 - (a) the transportation network driver purchasing coverage that complies with Subsections (1) and (2);
 - (b) the transportation network company purchasing, on the transportation network driver's behalf, coverage that complies with Subsections (1) and (2); or
 - (c) a combination of Subsections (3)(a) and (b).
- (4) An insurer may offer to a transportation network driver a personal automobile liability insurance policy, or an amendment or endorsement to a personal automobile liability policy, that:
 - (a) covers a private passenger motor vehicle while used to provide transportation network services; and
 - (b) satisfies the coverage requirements described in Subsection (1) or (2).
- (5) Nothing in this section requires a personal automobile insurance policy to provide coverage while a driver is providing transportation network services.
- (6) If a transportation network company does not purchase a policy that complies with Subsections (1) and (2) on behalf of a transportation network driver, the transportation network company shall verify that the driver has purchased a policy that complies with Subsections (1) and (2).
- (7) An insurance policy that a transportation network company or a transportation network driver maintains under Subsection (1) or (2):
 - (a) satisfies the security requirements of Section 41-12a-301; and
 - (b) may be placed with:

- (i) an insurer that is certified under Section 31A-4-103; or
 - (ii) a surplus lines insurer eligible under Section 31A-15-103.
- (8) An insurer that provides coverage for a transportation network driver explicitly for the transportation network driver's transportation network services under Subsection (1) or (2) shall have the duty to defend a liability claim arising from an occurrence while the transportation network driver is providing transportation network services.
- (9) If insurance a transportation network driver maintains under Subsection (1) or (2) lapses or ceases to exist, a transportation network company shall provide coverage complying with Subsection (1) or (2) beginning with the first dollar of a claim.
- (10)
- (a) An insurance policy that a transportation network company or transportation network driver maintains under Subsection (1) or (2) may not provide that coverage is dependent on a transportation network driver's personal automobile insurance policy first denying a claim.
 - (b) Subsection (10)(a) does not apply to coverage a transportation network company provides under Subsection (9) in the event a transportation network driver's coverage under Subsection (1) or (2) lapses or ceases to exist.
- (11) A personal automobile insurer:
- (a) notwithstanding Section 31A-22-302, may offer a personal automobile liability policy that excludes coverage for a loss that arises from the use of the insured vehicle to provide transportation network services; and
 - (b) does not have the duty to defend or indemnify a loss if an exclusion described in Subsection (11)(a) excludes coverage according to the policy's terms.

Amended by Chapter 138, 2016 General Session

Amended by Chapter 359, 2016 General Session