

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 631 By: Quinn of the Senate
3 and
4 Echols of the House
5
6

7 [transportation network companies - transportation
8 network drivers - certain trade dress - certain
online status - effective date]
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11 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
entire bill and insert
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14 "An Act relating to transportation network companies;
15 amending Sections 7 and 16, Chapter 279, O.S.L. 2015
16 (47 O.S. Supp. 2016, Sections 1016 and 1025), which
relate to transportation network drivers; providing
17 that certain displays shall not alter certain
relationships; modifying certain online status; and
providing an effective date.
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY Section 7, Chapter 279, O.S.L.
22 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as
23 follows:
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1 Section 1016. A transportation network company's software
2 application or website shall display a picture of the TNC driver and
3 the license plate number of the motor vehicle utilized for providing
4 the prearranged ride before the passenger enters the TNC driver's
5 vehicle. A TNC that voluntarily elects to require TNC drivers to
6 display the TNC company emblem or logo while in operation to
7 identify the TNC vehicle and driver shall not in any way alter the
8 contractual relationship between the parties or create an
9 employer/employee relationship where one was not intended to exist
10 by the parties.

11 SECTION 2. AMENDATORY Section 16, Chapter 279, O.S.L.
12 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as
13 follows:

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

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

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

22 B. The following automobile insurance requirements shall apply
23 while a TNC driver is both logged on to the TNC's digital network
24

1 and ~~is~~ available to receive transportation requests but is not
2 engaged in prearranged rides:

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

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

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

- 12 a. automobile insurance maintained by the TNC driver,
- 13 b. automobile insurance maintained by the TNC, or
- 14 c. any combination of subparagraphs a and b of this
15 paragraph.

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

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

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

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

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

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

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

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

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

23 H. A TNC driver shall carry proof of coverage satisfying
24 subsections B and C of this section with him or her at all times

1 during his or her use of a vehicle in connection with a
2 transportation network company's digital network. Proof of coverage
3 may be presented in electronic format. In the event of an accident,
4 a TNC driver shall provide this insurance coverage information to
5 the directly interested parties, automobile insurers and
6 investigating police officers, upon request pursuant to Section 7-
7 102 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this title. Upon
8 such request, a TNC driver shall also disclose to directly
9 interested parties, automobile insurers, and investigating police
10 officers whether he or she was logged on to the TNC's digital
11 network or on a prearranged ride at the time of an accident.

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

13 Passed the House of Representatives the 13th day of April, 2017.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 631

By: Quinn of the Senate

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Echols of the House

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6 [transportation network companies - transportation
7 network drivers - certain trade dress - certain
8 online status - effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. AMENDATORY Section 7, Chapter 279, O.S.L.
12 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as
13 follows:

14 Section 1016. A transportation network company's software
15 application or website shall display a picture of the TNC driver and
16 the license plate number of the motor vehicle utilized for providing
17 the prearranged ride before the passenger enters the TNC driver's
18 vehicle. A TNC that voluntarily elects to require TNC drivers to
19 display the TNC company emblem or logo while in operation to
20 identify the TNC vehicle and driver shall not in any way alter the
21 contractual relationship between the parties or create an
22 employer/employee relationship where one was not intended to exist
23 by the parties.
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1 SECTION 5. AMENDATORY Section 16, Chapter 279, O.S.L.
2 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as
3 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 E. Coverage under an automobile insurance policy maintained by
24 the TNC shall not be dependent on a personal automobile insurer

1 first denying a claim nor shall a personal automobile insurance
2 policy be required to first deny a claim.

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

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

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

