

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0208.01 Richard Sweetman x4333

HOUSE BILL 22-1089

HOUSE SPONSORSHIP

Woodrow,

SENATE SPONSORSHIP

Winter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT TRANSPORTATION NETWORK
102 COMPANIES PROVIDE INSURANCE TO PROTECT INDIVIDUALS
103 FROM DAMAGES CAUSED BY UNINSURED MOTORISTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires a transportation network company or its drivers to secure primary liability insurance coverage for the drivers for incidents involving the drivers during prearranged rides and for periods when a driver is logged into a transportation network company's digital network but not engaged in a prearranged ride. **Section 1** of the bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 17, 2022

requires a transportation network company or its drivers to also secure insurance protection for drivers and for their riders against damages caused by uninsured motorists.

Current law requires automobile liability and motor vehicle liability policies to provide coverage for damages caused by uninsured motorists; except that the named insured may reject such coverage in writing. **Section 2** provides that a named insured may not reject such coverage if the named insured is:

- A transportation network company; or
- A transportation network company driver for whom the transportation network company has not secured such coverage.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-604, **amend**
3 (3)(b) introductory portion, (3)(b)(II), (4) introductory portion, (7), and
4 (9); **repeal** (3)(c); and **add** (2.5) as follows:

5 **40-10.1-604. Registration - financial responsibility of**
6 **transportation network companies - primary liability insurance -**
7 **insurance protection against uninsured motorists.** (2.5) ON AND
8 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), FOR EACH
9 TRANSPORTATION NETWORK COMPANY DRIVER, THE DRIVER'S
10 TRANSPORTATION NETWORK COMPANY SHALL FILE WITH THE COMMISSION,
11 IN A MANNER PRESCRIBED BY THE COMMISSION, DOCUMENTATION
12 EVIDENCING THAT THE TRANSPORTATION NETWORK COMPANY OR THE
13 DRIVER HAS SECURED INSURANCE COVERAGE AGAINST DAMAGE CAUSED
14 BY UNINSURED MOTORISTS, AS DESCRIBED IN SECTION 10-4-609, FOR THE
15 DRIVER AND FOR EACH TRANSPORTATION NETWORK COMPANY RIDER IN
16 THE DRIVER'S PERSONAL VEHICLE FOR INCIDENTS INVOLVING THE DRIVER
17 DURING A PREARRANGED RIDE. SUCH COVERAGE MUST BE IN THE AMOUNT
18 OF AT LEAST ONE MILLION DOLLARS PER OCCURRENCE. THE INSURANCE
19 POLICY MUST PROVIDE COVERAGE TO DRIVERS AND RIDERS AT ALL TIMES

1 THE DRIVER IS ENGAGED IN A PREARRANGED RIDE.

2 (3) For the period of time when a driver is logged into a
3 transportation network company's digital network but is not engaged in
4 a prearranged ride, the following insurance requirements apply:

5 (b) ~~On or before January 15, 2015, and thereafter,~~ A driver or a
6 transportation network company on the driver's behalf shall maintain a
7 ~~primary~~ AT LEAST ONE automobile insurance policy that INCLUDES
8 PRIMARY LIABILITY INSURANCE COVERAGE AND PRIMARY INSURANCE
9 COVERAGE AGAINST DAMAGES CAUSED BY UNINSURED MOTORISTS AND
10 THAT:

11 (II) FOR BOTH PRIMARY LIABILITY INSURANCE COVERAGE AND
12 PRIMARY INSURANCE COVERAGE AGAINST DAMAGES CAUSED BY
13 UNINSURED MOTORISTS, meets ~~at least~~ the minimum coverage of at least
14 fifty thousand dollars ~~to~~ FOR any one person in any one accident, one
15 hundred thousand dollars ~~to~~ FOR all persons in any one accident, and for
16 property damage arising out of the use of the motor vehicle to a limit,
17 exclusive of interest and costs, of thirty thousand dollars in any one
18 accident; and

19 (c) ~~The division of insurance shall conduct a study of whether the~~
20 ~~levels of coverage provided for in this subsection (3) are appropriate for~~
21 ~~the risk involved with transportation network company services. In~~
22 ~~conducting the study, the division of insurance shall convene one or more~~
23 ~~stakeholder meetings to evaluate the choices of coverage set forth in~~
24 ~~subparagraph (III) of paragraph (b) of this subsection (3). On or before~~
25 ~~January 15, 2015, the division of insurance shall present its findings and~~
26 ~~any recommendations to the business, labor, economic and workforce~~
27 ~~development committee in the house of representatives, the business,~~

1 ~~labor, and technology committee in the senate, the transportation and~~
2 ~~energy committee in the house of representatives, and the transportation~~
3 ~~committee in the senate.~~

4 (4) A driver's personal automobile insurance policy that complies
5 with part 6 of article 4 of title 10 ~~C.R.S.~~, is sufficient to satisfy the
6 compulsory insurance requirements ~~thereof~~ OF SUCH PART 6. An insurance
7 policy required by subsection (2), ~~(2.5)~~, or ~~subsection~~ (3) of this section:

8 (7) In a claims coverage investigation, a transportation network
9 company shall cooperate with ~~a liability~~ AN insurer that also insures the
10 driver's transportation network company vehicle, including the provision
11 of relevant dates and times during which an incident occurred that
12 involved the driver while the driver was logged into a transportation
13 network company's digital network.

14 (9) If a transportation network company's insurer makes a
15 payment for a claim covered under comprehensive coverage, ~~or collision~~
16 coverage, OR COVERAGE AGAINST DAMAGE CAUSED BY UNINSURED
17 MOTORISTS, the transportation network company shall cause its insurer to
18 issue the payment directly to the business repairing the vehicle or jointly
19 to the owner of the vehicle and the primary lienholder on the covered
20 vehicle. The commission shall not assess any fines as a result of a
21 violation of this subsection (9).

22 **SECTION 2.** In Colorado Revised Statutes, 10-4-609, **amend**
23 (1)(a) as follows:

24 **10-4-609. Insurance protection against uninsured motorists -**
25 **applicability.** (1) (a) (I) ~~NO~~ EXCEPT AS DESCRIBED IN SUBSECTION
26 (1)(a)(II) OF THIS SECTION, AN automobile liability or motor vehicle
27 liability policy insuring against loss resulting from liability imposed by

1 law for bodily injury or death suffered by any person arising out of the
2 ownership, maintenance, or use of a motor vehicle, ~~shall be~~ WHICH
3 POLICY IS delivered or issued for delivery in this state with respect to any
4 motor vehicle licensed for highway use in this state, ~~unless~~ MUST PROVIDE
5 coverage ~~is provided therein~~ or supplemental ~~thereto~~ COVERAGE, in limits
6 for bodily injury or death set forth in section 42-7-103 (2), ~~C.R.S.~~, under
7 provisions approved by the commissioner, for the protection of persons
8 insured ~~thereunder~~ UNDER THE POLICY who are legally entitled to recover
9 damages from owners or operators of uninsured motor vehicles because
10 of bodily injury, sickness, or disease, including death, resulting ~~therefrom~~;
11 ~~except that the named insured may reject such coverage in writing~~ FROM
12 A MOTOR VEHICLE ACCIDENT.

13 (II) SUBSECTION (1)(a)(I) OF THIS SECTION DOES NOT APPLY IF THE
14 NAMED INSURED REJECTS THE COVERAGE DESCRIBED IN SUBSECTION
15 (1)(a)(I) IN WRITING; EXCEPT THAT:

16 (A) IF THE NAMED INSURED IS A TRANSPORTATION NETWORK
17 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3), SECURING COVERAGE
18 FOR A TRANSPORTATION NETWORK COMPANY DRIVER, AS DEFINED IN
19 SECTION 40-10.1-602 (4), TO PROTECT AGAINST DAMAGES CAUSED BY
20 UNINSURED MOTORISTS, AS DESCRIBED IN SECTION 40-10.1-604 (2.5) AND
21 (3), THE NAMED INSURED MAY NOT REJECT THE COVERAGE FOR PERIODS
22 WHEN THE TRANSPORTATION NETWORK COMPANY DRIVER IS ENGAGED IN
23 A RIDE OR LOGGED INTO THE TRANSPORTATION NETWORK COMPANY'S
24 DIGITAL NETWORK BUT NOT ENGAGED IN A PREARRANGED RIDE; AND

25 (B) IF THE NAMED INSURED IS A TRANSPORTATION NETWORK
26 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4), FOR WHOM A
27 TRANSPORTATION NETWORK COMPANY HAS NOT SECURED COVERAGE TO

1 PROTECT AGAINST DAMAGES CAUSED BY UNINSURED MOTORISTS, AS
2 DESCRIBED IN SECTION 40-10.1-604 (2.5) AND (3), THE NAMED INSURED
3 MAY NOT REJECT THE COVERAGE FOR PERIODS WHEN THE NAMED INSURED
4 IS ENGAGED IN A RIDE OR LOGGED INTO THE TRANSPORTATION NETWORK
5 COMPANY'S DIGITAL NETWORK BUT NOT ENGAGED IN A PREARRANGED
6 RIDE.

7 **SECTION 3. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly; except that, if a referendum petition is filed pursuant
11 to section 1 (3) of article V of the state constitution against this act or an
12 item, section, or part of this act within such period, then the act, item,
13 section, or part will not take effect unless approved by the people at the
14 general election to be held in November 2022 and, in such case, will take
15 effect on the date of the official declaration of the vote thereon by the
16 governor.

17 (2) This act applies to behavior occurring on or after the
18 applicable effective date of this act.