

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0208.01 Richard Sweetman x4333

HOUSE BILL 22-1089

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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.*

SENATE
3rd Reading Unamended
April 1, 2022

SENATE
Amended 2nd Reading
March 31, 2022

HOUSE
3rd Reading Unamended
February 18, 2022

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 ___ (7); repeal (3)(c); and add (2.5) as follows:

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

1 ALL TIMES 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:

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6 (c) ~~The division of insurance shall conduct a study of whether the~~
7 ~~levels of coverage provided for in this subsection (3) are appropriate for~~
8 ~~the risk involved with transportation network company services. In~~
9 ~~conducting the study, the division of insurance shall convene one or more~~
10 ~~stakeholder meetings to evaluate the choices of coverage set forth in~~
11 ~~subparagraph (HH) of paragraph (b) of this subsection (3). On or before~~
12 ~~January 15, 2015, the division of insurance shall present its findings and~~
13 ~~any recommendations to the business, labor, economic and workforce~~
14 ~~development committee in the house of representatives, the business,~~
15 ~~labor, and technology committee in the senate, the transportation and~~
16 ~~energy committee in the house of representatives, and the transportation~~
17 ~~committee in the senate.~~

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19 (7) In a claims coverage investigation, a transportation network
20 company shall cooperate with a liability AN insurer that also insures the
21 driver's transportation network company vehicle, including the provision
22 of relevant dates and times during which an incident occurred that
23 involved the driver while the driver was logged into a transportation
24 network company's digital network.

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

1 **10-4-609. Insurance protection against uninsured motorists -**
2 **applicability.** (1) (a) (I) ~~NO~~ EXCEPT AS DESCRIBED IN SUBSECTION
3 (1)(a)(II) OF THIS SECTION, AN automobile liability or motor vehicle
4 liability policy insuring against loss resulting from liability imposed by
5 law for bodily injury or death suffered by any person arising out of the
6 ownership, maintenance, or use of a motor vehicle, ~~shall be~~ WHICH
7 POLICY IS delivered or issued for delivery in this state with respect to any
8 motor vehicle licensed for highway use in this state, ~~unless~~ MUST PROVIDE
9 coverage ~~is provided therein~~ or supplemental ~~thereto~~ COVERAGE, in limits
10 for bodily injury or death set forth in section 42-7-103 (2), C.R.S., under
11 provisions approved by the commissioner, for the protection of persons
12 insured ~~thereunder~~ UNDER THE POLICY who are legally entitled to recover
13 damages from owners or operators of uninsured motor vehicles because
14 of bodily injury, sickness, or disease, including death, resulting ~~therefrom;~~
15 ~~except that the named insured may reject such coverage in writing~~ FROM
16 A MOTOR VEHICLE ACCIDENT.

17 (II) SUBSECTION (1)(a)(I) OF THIS SECTION DOES NOT APPLY IF THE
18 NAMED INSURED REJECTS THE COVERAGE DESCRIBED IN SUBSECTION
19 (1)(a)(I) IN WRITING; EXCEPT THAT, IF THE NAMED INSURED IS A
20 TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION
21 40-10.1-602 (3), SECURING COVERAGE FOR A TRANSPORTATION NETWORK
22 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4), TO PROTECT
23 AGAINST DAMAGES CAUSED BY UNINSURED MOTORISTS, AS DESCRIBED IN
24 SECTION 40-10.1-604 (2.5), THE NAMED INSURED MAY NOT REJECT THE
25 COVERAGE FOR PERIODS WHEN THE TRANSPORTATION NETWORK COMPANY
26 DRIVER IS ENGAGED IN A PREARRANGED RIDE, AS DEFINED IN SECTION
27 40-10.1-602 (2).

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