

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0208.01 Richard Sweetman x4333

**HOUSE BILL 22-1089**

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**HOUSE SPONSORSHIP**

**Woodrow,**

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**  
Judiciary

**Senate Committees**

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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.**

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**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.*

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.

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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 DOCUMENTATION EVIDENCING THAT THE TRANSPORTATION NETWORK  
12 COMPANY OR THE DRIVER HAS SECURED INSURANCE COVERAGE AGAINST  
13 DAMAGE CAUSED BY UNINSURED MOTORISTS, AS DESCRIBED IN SECTION  
14 10-4-609, FOR THE DRIVER AND FOR EACH TRANSPORTATION NETWORK  
15 COMPANY RIDER IN THE DRIVER'S PERSONAL VEHICLE FOR INCIDENTS  
16 INVOLVING THE DRIVER DURING A PREARRANGED RIDE. SUCH COVERAGE  
17 MUST BE IN THE AMOUNT OF AT LEAST ONE MILLION DOLLARS PER  
18 OCCURRENCE. THE INSURANCE POLICY MUST PROVIDE COVERAGE TO  
19 DRIVERS AND RIDERS AT ALL TIMES THE DRIVER IS ENGAGED IN A

1       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** AN automobile insurance policy that INCLUDES PRIMARY  
8 LIABILITY INSURANCE COVERAGE AND **PRIMARY** INSURANCE COVERAGE  
9 AGAINST DAMAGES CAUSED BY UNINSURED MOTORISTS AND THAT:

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

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

1 energy committee in the house of representatives, and the transportation  
2 committee in the senate.

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

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

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

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

23 **10-4-609. Insurance protection against uninsured motorists -**  
24 **applicability.** (1) (a) (I) ~~NO~~ EXCEPT AS DESCRIBED IN SUBSECTION  
25 (1)(a)(II) OF THIS SECTION, AN automobile liability or motor vehicle  
26 liability policy insuring against loss resulting from liability imposed by  
27 law for bodily injury or death suffered by any person arising out of the

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

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

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

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

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

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

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