

CHAPTER 169

INSURANCE

HOUSE BILL 22-1089

BY REPRESENTATIVE(S) Woodrow, Bacon, Benavidez, Bernett, Boesenecker, Duran, Gonzales-Gutierrez, Kipp, Lindsay, Sirota, Sullivan, Titone, Amabile, Lontine, Ricks;
also SENATOR(S) Winter, Danielson, Hinrichsen, Jaquez Lewis, Pettersen, Priola, Story.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 40-10.1-604, **amend (7); repeal (3)(c); and add (2.5)** as follows:

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

10-4-609. Insurance protection against uninsured motorists - applicability.

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

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

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

of the official declaration of the vote thereon by the governor.

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

Approved: May 17, 2022