EXHIBIT 3
DATE 2/13/15
HB

Amendments to House Bill No. 267
1st Reading Copy

Requested by Representative Lee Randall

For the House Transportation Committee

Prepared by Sonja Nowakowski
February 13, 2015 (11:28am)

1. Title, page 1, line 12.
Following: "SERVICES;"
Insert: "ESTABLISHING TRANSPORTATION NETWORK DRIVER AND CARRIER INSURANCE REQUIREMENTS AND DISCLOSURE; ESTABLISHING REQUIREMENTS FOR INSURERS TO PROVIDE FOR TRANSPORTATION NETWORK CARRIER DRIVERS AND SERVICES;"

2. Page 2.
Following: line 24
Insert: "NEW SECTION. **Section 4. Financial responsibility -- transportation network carrier services.** (1) Transportation network carrier drivers must comply with the automobile liability insurance requirements of this section.

(2) Automobile liability insurance requirements apply from the moment a participating transportation network carrier driver logs on to the transportation network carrier's digital network and is available to receive transportation requests until the driver accepts a request to transport a rider, and from the moment the driver completes the transaction on the digital network or the ride is complete, whichever is later, until the driver either accepts another request for service on the digital network or logs off the digital network.

(3)(a) Automobile liability insurance by a transportation network carrier driver must meet the minimum coverage requirements of 61-6-103(1)(b).

(b) Automobile liability insurance must be maintained by a transportation network carrier service to provide coverage in the event a participating transportation network carrier driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage that meets the requirements of subsection (3)(a).

(4) Automobile liability insurance requirements while a transportation network carrier driver is providing transportation network carrier services must:

(a) recognize the transportation network carrier driver provision of the transportation network carrier service; and

(b) provide at a minimum $1 million for death, personal injury, and property damage.

(5) The requirements of subsection (4) may be satisfied by:

(a) automobile liability insurance maintained by the transportation network carrier driver; or

(b) automobile liability insurance maintained by the transportation network carrier; or

(c) any combination of subsections (5)(a) and (5)(b).

(6) If insurance maintained by a transportation network carrier driver does not fulfill the insurance requirements of this section, fails to provide the required coverage, denies a claim for the required coverage, or otherwise ceases to exist, insurance maintained by a transportation network carrier must provide the coverage required by this section beginning with the first dollar of a claim.

(7) Insurance required by this section may be placed with an insurer licensed in accordance with 33-2-101 or with a surplus lines insurer as defined in 33-2-301.

(8) Insurance required by this section satisfies the financial responsibility requirement for a motor vehicle under Title 61, chapter 6, part 1."

Insert: "NEW SECTION. **Section 5. Insurance disclosure requirements.** Before a transportation network carrier driver is allowed to accept a request for transportation network carrier services on the carrier's digital network, a transportation network carrier shall disclose in writing to a transportation network carrier driver:

(1) insurance coverage and limits of liability provided by the transportation network carrier while the transportation network carrier driver uses a personal vehicle in connection with the transportation network carrier's digital network; and

(2) requirements that the transportation network carrier driver's own insurance policy may not provide coverage while the driver uses a vehicle in connection with a transportation network carrier's digital network depending on its terms."

Insert: "NEW SECTION. **Section 6. Transportation network carrier -- insurer requirements.** (1)(a) Insurers that write automobile liability insurance in Montana may exclude coverage and the duty to defend afforded under the owner's insurance policy for any loss or injury that occurs while an insured vehicle provides or is available to provide transportation network carrier services as defined in 69-12-101, provided the exclusion is expressly set forth in the policy and approved for sale in Montana.

(b) The right to exclude coverage in accordance with subsection (1)(a) and the duty to indemnify and defend may apply to any coverage included in an automobile liability insurance policy, including but not limited to:

(i) liability coverage for bodily injury and property damage;

(ii) personal injury protection coverage;

(iii) uninsured and underinsured motorist coverage;

(iv) medical payments coverage;

(v) comprehensive physical damage coverage; and

(vi) collision physical damage coverage.

(c) The insurer shall notify an insured person after

receiving notice of loss within the time required pursuant to 33-18-232 that the insurer does not have the duty to defend or indemnify any person or organization for liability for a loss that is properly excluded pursuant to the terms of the applicable primary or excess insurance policy.

(2) Insurers who write automobile liability insurance in Montana shall disclose on applications for insurance, in a prominent place, whether or not the insurance policy provides coverage while an insured vehicle provides or is available to provide transportation network carrier services as defined in 69-12-101. If an automobile liability insurance policy contains an exclusion for transportation network carrier services, the insurer or its agent shall disclose in writing the exact language of the exclusion to the applicant during the application process.

(3) In a claims coverage investigation, transportation network carriers and any insurer providing coverage under [sections 4 and 5] shall cooperate to facilitate the exchange of information, including the precise times that a transportation network carrier driver logged on and off of the transportation network carrier's digital network in the 24-hour period immediately preceding the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any insurance policy each party issued or maintained."

Renumber: subsequent sections

3. Page 16, line 14.
Following: "instruction."
Insert: "(1)"
Strike: "3"
Insert: "5"

4. Page 16, line 16.
Strike: "3"
Insert: "5"

5. Page 16.
Following: line 16
Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 33, chapter 23, part 2, and the provisions of Title 33, part 23, part 2, apply to [Section 6]."

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