

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Transportation Network Providers Act is
5 amended by changing Section 10 and by adding Sections 32 and 34
6 as follows:

7 (625 ILCS 57/10)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 10. Insurance.

11 (a) Transportation network companies and participating TNC
12 drivers shall comply with the automobile liability insurance
13 requirements of this Section as required.

14 (b) The following automobile liability insurance
15 requirements shall apply from the moment a participating TNC
16 driver logs on to the transportation network company's digital
17 network or software application until the TNC driver accepts a
18 request to transport a passenger, and from the moment the TNC
19 driver completes the transaction on the digital network or
20 software application or the ride is complete, whichever is
21 later, until the TNC driver either accepts another ride request
22 on the digital network or software application or logs off the
23 digital network or software application:

1 (1) Automobile liability insurance shall be in the
2 amount of at least \$50,000 for death and personal injury
3 per person, \$100,000 for death and personal injury per
4 incident, and \$25,000 for property damage.

5 (2) Contingent automobile liability insurance in the
6 amounts required in paragraph (1) of this subsection (b)
7 shall be maintained by a transportation network company and
8 provide coverage in the event a participating TNC driver's
9 own automobile liability policy excludes coverage
10 according to its policy terms or does not provide at least
11 the limits of coverage required in paragraph (1) of this
12 subsection (b).

13 (c) The following automobile liability insurance
14 requirements shall apply from the moment a TNC driver accepts a
15 ride request on the transportation network company's digital
16 network or software application until the TNC driver completes
17 the transaction on the digital network or software application
18 or until the ride is complete, whichever is later:

19 (1) Automobile liability insurance shall be primary
20 and in the amount of \$1,000,000 for death, personal injury,
21 and property damage. The requirements for the coverage
22 required by this paragraph (1) may be satisfied by any of
23 the following:

24 (A) automobile liability insurance maintained by a
25 participating TNC driver;

26 (B) automobile liability company insurance

1 maintained by a transportation network company; or

2 (C) any combination of subparagraphs (A) and (B).

3 (2) Insurance coverage provided under this subsection
4 (c) shall also provide for uninsured motorist coverage and
5 underinsured motorist coverage in the amount of \$50,000
6 from the moment a passenger enters the vehicle of a
7 participating TNC driver until the passenger exits the
8 vehicle.

9 (3) The insurer, in the case of insurance coverage
10 provided under this subsection (c), shall have the duty to
11 defend and indemnify the insured.

12 (4) Coverage under an automobile liability insurance
13 policy required under this subsection (c) shall not be
14 dependent on a personal automobile insurance policy first
15 denying a claim nor shall a personal automobile insurance
16 policy be required to first deny a claim.

17 (d) In every instance when automobile liability insurance
18 maintained by a participating TNC driver to fulfill the
19 insurance obligations of this Section has lapsed or ceased to
20 exist, the transportation network company shall provide the
21 coverage required by this Section beginning with the first
22 dollar of a claim.

23 (e) This Section shall not limit the liability of a
24 transportation network company arising out of an automobile
25 accident involving a participating TNC driver in any action for
26 damages against a transportation network company for an amount

1 above the required insurance coverage.

2 (f) The transportation network company shall disclose in
3 writing to TNC drivers, as part of its agreement with those TNC
4 drivers, the following:

5 (1) the insurance coverage and limits of liability that
6 the transportation network company provides while the TNC
7 driver uses a vehicle in connection with a transportation
8 network company's digital network or software application;
9 and

10 (2) that the TNC driver's own insurance policy may not
11 provide coverage while the TNC driver uses a vehicle in
12 connection with a transportation network company digital
13 network depending on its terms.

14 (g) An insurance policy required by this Section may be
15 placed with an admitted Illinois insurer, or with an authorized
16 surplus line insurer under Section 445 of the Illinois
17 Insurance Code; and is not subject to any restriction or
18 limitation on the issuance of a policy contained in Section
19 445a of the Illinois Insurance Code.

20 (h) Any insurance policy required by this Section shall
21 satisfy the financial responsibility requirement for a motor
22 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
23 Code.

24 (i) If a transportation network company's insurer makes a
25 payment for a claim covered under comprehensive coverage or
26 collision coverage, the transportation network company shall

1 cause its insurer to issue the payment directly to the business
2 repairing the vehicle, or jointly to the owner of the vehicle
3 and the primary lienholder on the covered vehicle.

4 (Source: P.A. 98-1173, eff. 6-1-15.)

5 (625 ILCS 57/32 new)

6 Sec. 32. Preemption. A unit of local government, whether or
7 not it is a home rule unit, may not regulate transportation
8 network companies, transportation network company drivers, or
9 transportation network company services in a manner that is
10 less restrictive than the regulation by the State under this
11 Act. This Section is a limitation under subsection (i) of
12 Section 6 of Article VII of the Illinois Constitution on the
13 concurrent exercise by home rule units of powers and functions
14 exercised by the State.

15 (625 ILCS 57/34 new)

16 Sec. 34. Repeal. This Act is repealed on June 1, 2020.

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.