



Rep. Michael J. Zalewski

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LRB099 04882 RJF 33799 a

1 AMENDMENT TO HOUSE BILL 1051

2 AMENDMENT NO. _____. Amend House Bill 1051 by replacing
3 everything after the enacting clause with the following:

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

1 network or software application until the TNC driver accepts a
2 request to transport a passenger, and from the moment the TNC
3 driver completes the transaction on the digital network or
4 software application or the ride is complete, whichever is
5 later, until the TNC driver either accepts another ride request
6 on the digital network or software application or logs off the
7 digital network or software application:

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

12 (2) Contingent automobile liability insurance in the
13 amounts required in paragraph (1) of this subsection (b)
14 shall be maintained by a transportation network company and
15 provide coverage in the event a participating TNC driver's
16 own automobile liability policy excludes coverage
17 according to its policy terms or does not provide at least
18 the limits of coverage required in paragraph (1) of this
19 subsection (b).

20 (c) The following automobile liability insurance
21 requirements shall apply from the moment a TNC driver accepts a
22 ride request on the transportation network company's digital
23 network or software application until the TNC driver completes
24 the transaction on the digital network or software application
25 or until the ride is complete, whichever is later:

26 (1) Automobile liability insurance shall be primary

1 and in the amount of \$1,000,000 for death, personal injury,
2 and property damage. The requirements for the coverage
3 required by this paragraph (1) may be satisfied by any of
4 the following:

5 (A) automobile liability insurance maintained by a
6 participating TNC driver;

7 (B) automobile liability company insurance
8 maintained by a transportation network company; or

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

10 (2) Insurance coverage provided under this subsection
11 (c) shall also provide for uninsured motorist coverage and
12 underinsured motorist coverage in the amount of \$50,000
13 from the moment a passenger enters the vehicle of a
14 participating TNC driver until the passenger exits the
15 vehicle.

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

19 (4) Coverage under an automobile liability insurance
20 policy required under this subsection (c) shall not be
21 dependent on a personal automobile insurance policy first
22 denying a claim nor shall a personal automobile insurance
23 policy be required to first deny a claim.

24 (d) In every instance when automobile liability insurance
25 maintained by a participating TNC driver to fulfill the
26 insurance obligations of this Section has lapsed or ceased to

1 exist, the transportation network company shall provide the
2 coverage required by this Section beginning with the first
3 dollar of a claim.

4 (e) This Section shall not limit the liability of a
5 transportation network company arising out of an automobile
6 accident involving a participating TNC driver in any action for
7 damages against a transportation network company for an amount
8 above the required insurance coverage.

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

12 (1) the insurance coverage and limits of liability that
13 the transportation network company provides while the TNC
14 driver uses a vehicle in connection with a transportation
15 network company's digital network or software application;
16 and

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

21 (g) An insurance policy required by this Section may be
22 placed with an admitted Illinois insurer, or with an authorized
23 surplus line insurer under Section 445 of the Illinois
24 Insurance Code; and is not subject to any restriction or
25 limitation on the issuance of a policy contained in Section
26 445a of the Illinois Insurance Code.

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

5 (i) If a transportation network company's insurer makes a
6 payment for a claim covered under comprehensive coverage or
7 collision coverage, the transportation network company shall
8 cause its insurer to issue the payment directly to the business
9 repairing the vehicle, or jointly to the owner of the vehicle
10 and the primary lienholder on the covered vehicle.

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

12 (625 ILCS 57/32 new)

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

22 (625 ILCS 57/34 new)

23 Sec. 34. Repeal. This Act is repealed on June 1, 2018.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".