PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1144

That the Senate recede from its amendments as printed on pages 1452-1455 of the House Journal and pages 1198-1201 of the Senate Journal and that House Bill No. 1144 be amended as follows:

Page 1, line 3, after "limits" insert "; and to declare an emergency"

Page 1, line 19, remove "any person who uses a vehicle in connection"

Page 1, replace lines 20 and 21 with "an individual who:

     a.   Receives connections to potential passengers and related services from a transportation network company in exchange for payment or a fee to the transportation network company; and

     b.   Uses a personal vehicle to offer or provide prearranged transportation services to a passenger upon connection through an online-enabled application or platform controlled by a transportation network company in return for compensation or payment of a fee."

Page 2, line 1, after "6." insert ""Personal injury protection" means basic no-fault benefits as defined under subsection 2 of section 26.1-41-01.

     7."

Page 2, line 1, remove "that"

Page 2, replace lines 2 through 4 with "which uses an online-enabled application or platform to connect a passenger with an independent participating driver who provides prearranged transportation services using a personal vehicle. A transportation network company may not be deemed to control, direct, or manage the personal vehicles or participating drivers that connect to the transportation network company online-enabled application or platform, unless agreed to by written contract."

Page 2, line 5, replace "7." with "8."

Page 3, line 8, remove "Transportation network company insurance coverage provided under this section"

Page 3, replace lines 9 through 11 with "Transportation network company insurance coverage provided under this section for uninsured motorist coverage must meet the requirements under section 26.1-40-15.2, which is primary coverage.

     c.   Transportation network company insurance coverage provided under this section for underinsured motorist coverage must meet the requirements under section 26.1-40-15.3, which is primary coverage."

Page 3, line 12, replace "c." with "d."

Page 3, line 12, after "provide" insert "primary"

Page 3, line 13, remove "when required"

Page 3, line 15, replace "d." with "e."

Page 3, line 17, replace "e." with "f."

Page 3, line 21, replace "f." with "g."

Page 3, line 21, replace "In every instance where" with "If"

Page 3, after line 25, insert:

"26.1-40.1-04. Insurance coverage during the application on stage with no passengers in vehicle.

1. During the application on stage, the transportation network company insurance must include:

   a. Motor vehicle liability coverage that is primary coverage. The coverage must include at least fifty thousand dollars per person and one hundred thousand dollars per incident for death and bodily injury and at least twenty-five thousand dollars for property damage.

   b. Uninsured motorist coverage under section 26.1-40-15.2 which is primary coverage.

   c. Underinsured motorist coverage under section 26.1-40-15.3 which is primary coverage.

   d. Personal injury protection under chapter 26.1-41 which is primary coverage.

2. The requirements for coverage under this section may be satisfied by:

   a. Transportation network company insurance maintained by a participating driver;

   b. Transportation network company insurance maintained by a transportation network company; or

   c. Any combination of subdivisions a and b.

3. The following apply to insurance requirements under this section:

   a. The primary insurer, in the case of insurance coverage provided under subdivision a of subsection 1, has the sole duty to defend and indemnify the insured.

   b. Coverage under a transportation network company insurance policy may neither be dependent on a driver's personal automobile insurance policy carrier first denying a claim nor a personal automobile insurance policy carrier being required to first deny a claim.

   c. If transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of this section has excluded coverage according to its policy or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

26.1-40.1-05. Automobile insurers.

Insurers that write personal automobile insurance may allow no-fault insurance coverage to be conditional on transportation network company no-fault insurance coverage under sections 26.1-40.1-03 and 26.1-40.1-04."

Page 3, line 26, replace "**26.1-40.1-04**" with "**26.1-40.1-06**"

Page 4, line 1, replace "**26.1-40.1-05**" with "**26.1-40.1-07**"

Page 4, line 5, after the second "of" insert "less than"

Page 4, line 5, remove "or less"

Page 4, line 8, replace "**26.1-40.1-06**" with "**26.1-40.1-08**"

Page 4, remove lines 15 through 21

Page 4, line 22, replace "**26.1-40.1-08**" with "**26.1-40.1-09**"

Page 4, line 25, replace "**26.1-40.1-09**" with "**26.1-40.1-10**"

Page 4, replace lines 26 through 30 with:

"A participating driver of a transportation network company shall carry proof of transportation network company insurance coverage at all times during the driver's use of a vehicle in connection with a transportation network company's online-enabled application or platform. In the event of an accident, a participating driver shall provide this insurance coverage information to any other party involved in the accident and to a police officer, upon request."

Page 5, line 1, replace "**26.1-40.1-10**" with "**26.1-40.1-11**"

Page 6, line 14, replace "eighteen" with "twenty-one"

Page 6, line 15, replace "**Records**" with "**Personally identifiable information**"

Page 6, replace lines 16 through 26 with "A transportation network company may not disclose any personally identifiable information of a transportation network company passenger, except pursuant to the publicly disclosed terms of the transportation network company's privacy policy. For any other disclosure not governed by the privacy policy, the transportation network company must obtain the passenger's consent before the company may disclose the passenger's personally identifiable information.

39-34-05. Transportation network company reporting requirements - Legislative management report - Penalty.

1. A transportation network company shall report the following information to the department of transportation on June fifteenth and December fifteenth of each year for the previous six calendar months:

   a. A list of political subdivisions in which the transportation network company operates;

   b. The number of accidents that were reported to the transportation network company during the passenger on-board stage; and

c. The number and types of traffic violations and any other violations that were reported to the transportation network company during the passenger on-board stage.

2. The department of transportation shall report the information collected from transportation network companies during each biennium to the legislative management.

3. The department of transportation may impose a civil penalty of up to five hundred dollars for the failure of a transportation network company to report as required under this section. A transportation network company with two or more violations of this section may be prohibited by the department of transportation from operating within the state for one hundred eighty days from the date of the department's notification to the transportation network company.

4. All civil penalties collected under this section must be deposited in the state highway fund."

Page 6, line 30, remove "by the department of transportation"

Page 7, line 3, after the underscored period insert "A political subdivision may prohibit a transportation network company from operating without a state permit within the jurisdiction of the political subdivision.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly