

House Calendar

Thursday, February 09, 2017

37th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 PM

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ORDERS OF THE DAY
ACTION CALENDAR
Favorable with Amendment

H. 143

An act relating to automobile insurance requirements and transportation network companies

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. chapter 113, subchapter 5 is added to read:

Subchapter 5. Transportation Network Companies

§ 4256a. TRANSPORTATION NETWORK COMPANIES

(a) Definitions. As used in this subchapter:

(1) “Digital network” or “network” means any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network drivers.

(2) “Personal vehicle” means a vehicle that is:

(A) used by a driver to provide a prearranged ride;

(B) owned, leased, or otherwise authorized for use by the driver; and

(C) not a taxicab, limousine, or other for-hire vehicle.

(3) “Prearranged ride” or “ride” means the provision of transportation by a driver to a transportation network rider, beginning when a driver accepts the rider’s request for a ride through a digital network controlled by a company; continuing while the driver transports the rider; and ending when the last requesting rider departs from the vehicle. The term does not include:

(A) shared expense carpool or vanpool arrangements;

(B) use of a taxicab, limousine, or other for-hire vehicle; or

(C) a regional transportation.

(4) “Transportation network company” or “company” means a person that uses a digital network to connect riders to drivers who provide prearranged rides. A company shall not be deemed to control, direct, or manage the personal vehicles or drivers that connect to its digital network, except where agreed to by written contract.

(5) “Transportation network company driver” or “driver” means an individual who:

(A) receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

(6) “Transportation network company rider” or “rider” means an individual who uses a company’s digital network to connect with a driver who provides rides in his or her personal vehicle between points chosen by the rider.

(b) Company’s financial responsibility.

(1) Beginning on or before July 1, 2017, a driver, or company on the driver’s behalf, shall maintain primary automobile insurance that recognizes that the driver is a company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver while the driver is logged on to the company’s digital network or while the driver is engaged in a prearranged ride.

(2)(A) The following automobile insurance requirements shall apply while a participating driver is logged on to the transportation network company’s digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(i) primary automobile liability insurance in the amount of at least \$50,000.00 for death and bodily injury per person, \$100,000.00 for death and bodily injury per incident, and \$25,000.00 for property damage; and

(ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision (2) may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (2)(B).

(3)(A) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) primary automobile liability insurance that provides at least

\$1,000,000.00 for death, bodily injury, and property damage; and

(ii) any other State-mandated coverage under 23 V.S.A. § 941.

(B) The coverage requirements of this subdivision may be satisfied by any of the following:

(i) automobile insurance maintained by the driver;

(ii) automobile insurance maintained by the company; or

(iii) any combination of subdivisions (i) and (ii) of this subdivision (3)(B).

(4) If insurance maintained by a driver under subdivision (2) or (3) of this subsection has lapsed or does not provide the required coverage, insurance maintained by a company shall provide such coverage beginning with the first dollar of a claim and shall have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this subsection may be placed with an insurer licensed under chapter 101 (insurance companies generally) or 138 (surplus lines insurance) of this title.

(7) Insurance satisfying the requirements of this subsection shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under 23 V.S.A. § 800.

(8) A driver shall carry proof of coverage satisfying this section at all times during use of a vehicle in connection with a company's digital network. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and law enforcement, upon request. Upon such request, a driver shall also disclose whether he or she was logged on to the network or was on a prearranged ride at the time of an accident.

(c) Disclosures. A transportation network company shall disclose in writing to its drivers the following before they are allowed to accept a request for a prearranged ride on the company's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the company provides while the driver uses a personal vehicle in connection with the company's network; and

(2) that the driver's own automobile insurance policy, depending on its terms, might not provide any coverage while the driver is logged on to the

company's network and available to receive transportation requests or engaged in a prearranged ride.

(d)(1) Automobile insurers. Notwithstanding any other provision of law to the contrary, insurers that write automobile insurance in Vermont may exclude any and all coverage afforded under a policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage in an automobile insurance policy including:

- (A) liability coverage for bodily injury and property damage;
- (B) personal injury protection coverage;
- (C) uninsured and underinsured motorist coverage;
- (D) medical payments coverage;
- (E) comprehensive physical damage coverage; and
- (F) collision physical damage coverage.

(2) Nothing in this subsection implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to a company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers for compensation.

(3) Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a company's digital network or while a driver provides a prearranged ride.

(4) Nothing in this subsection is deemed to preclude an insurer from providing primary or excess coverage for the driver's vehicle, if it chooses to do so by contract or endorsement.

(5) Insurers that exclude the coverage described under subsection (b) of this section shall have no duty to defend or indemnify any claim expressly excluded thereunder.

(6) Nothing in this section is deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Vermont prior to the enactment of this section, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(7) An insurer that defends or indemnifies a claim against a driver that

is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of subsection (b) of this section at the time of loss.

(8) In a claims coverage investigation, transportation network companies shall immediately provide upon request by directly involved parties or any insurer of the transportation network company driver, if applicable, the precise times that a transportation network company driver logged on and off the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers providing coverage under subsection (b) of this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable charges, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements of subsection (b) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 10-0-1)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 31

House concurrent resolution in memory of Marion Pritchard

H.C.R. 32

House concurrent resolution designating February 3, 2017 as Wear Red Day at the State House

H.C.R. 33

House concurrent resolution honoring Bonnie and Timothy Burke for their outstanding work at Wilson House in East Dorset

H.C.R. 34

House concurrent resolution designating February 8, 2017 as Farm to School Awareness Day at the State House

H.C.R. 35

House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton

H.C.R. 36

House concurrent resolution congratulating the 2016 Eagle class of Green Mountain Council Boy Scouts

H.C.R. 37

House concurrent resolution honoring Nathaniel A. Boone of Winhall for his pioneering national service

H.C.R. 38

House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities

For Informational Purposes

Thursday, February 16, 2017 10:30 A.M. – House Chamber - Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms, Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 9, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

PUBLIC HEARING

Joint Community-Based Public Hearings on Fiscal Year 2018 State budget
House and Senate Committees on Appropriations

Monday, February 13, 2017, 6:00 - 7:00 p.m. – The Vermont House and Senate Committees on Appropriations are seeking public input on the FY2018 proposed State budget and will hold joint public hearings Monday, February 13, 2017, 6:00 – 7:00 p.m. at 6 locations across the State.

Bellows Falls: Windham Antique Center, 5 The Square.

Johnson: Johnson State College, Bentley 207.

Rutland City: Rutland Public Schools, Longfellow School Building.

St. Albans City: St. Albans City Elementary School, Library.

St. Johnsbury: The St. Johnsbury School, Cafeteria.

Winooski: Community College of Vermont, Janice Couture Room (108).

The Committees will take testimony on the Governor's FY 2018 State budget proposal at that time. Anyone interested in testifying should come to one of the hearings. Time limits on testimony may apply depending on volume of participants.

For more information about the format of these events, or to submit written testimony, e-mail Theresa Utton-Jerman at tutton@leg.state.vt.us or Rebecca Buck at rbuck@leg.state.vt.us, or call 802-828-5767 or 802-828-2295. Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 30, 2017.

PUBLIC HEARING

Public Hearings on Fiscal Year 2018 State Budget
House Committees on Appropriations

Thursday, February 16, 2017, 6:00 - 7:00 p.m. – The Vermont House Committee on Appropriations is seeking public input on the FY2018 proposed State budget and will hold an additional public hearing on Thursday, February 16, 2017, 6:00 – 7:00 p.m. in room 11 of the State House.

The Committee will take testimony on the Governor's FY 2018 State budget proposal at that time. Anyone interested in testifying should come to the hearing. Time limits on testimony will likely apply depending on volume of participants.

For more information about the format of these events, or to submit written testimony, e-mail Theresa Utton-Jerman at tutton@leg.state.vt.us or call 802-828-5767 or toll-free 1-800-322-5616.

Public Hearing on Raising the Minimum Wage

The House Committee on General, Housing, and Military Affairs will hold a hearing to take public comment on Thursday, February 9, from 7:00-8:30 pm in the House Chamber of the State House in Montpelier, VT.

Please note that there will be a time-limit to testify. Additionally, comments may also be submitted in writing at the hearing. For those unable to participate in the hearing, written comments may be submitted to Ron Wild, Committee Assistant, House Committee on General, Housing, and Military Affairs, 115 State Street, Montpelier, VT 05620 via postal service, or via e-mail at rwild@leg.state.vt.us .

Additionally, for the health and consideration of members of the committee and others, please use unscented body and cosmetic products and refrain from using perfume, or cologne.

Public Hearing

Judicial Retention Thursday, February 23, 2017, Room 11, 7:00. Joint Committee on Judicial Retention is having a public hearing for the retention of the following:

Supreme Court Justices

Chief Justice Paul Reiber
Justice Harold Eaton, Jr.
Justice Beth Robinson
Justice Marilyn Skoglund

Superior Court Judges

Judge Alison Arms
Judge Robert Bent
Judge Thomas Carlson
Judge Cortland Corsones
Judge Thomas Devine
Judge Theresa DiMauro
Judge Michael Kainen
Judge Mary Morrissey
Judge Gregory Rainville
Judge Kirstin Schoonover