



Rep. Michael J. Zalewski

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LRB099 04882 RJF 34199 a

1 AMENDMENT TO HOUSE BILL 1051

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1051, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (625 ILCS 57/10)

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

11 Sec. 10. Insurance.

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

15 (b) The following automobile liability insurance  
16 requirements shall apply from the moment a participating TNC

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

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

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

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

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

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

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

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

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

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

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

25           (d) In every instance when automobile liability insurance  
26 maintained by a participating TNC driver to fulfill the

1 insurance obligations of this Section has lapsed or ceased to  
2 exist, the transportation network company shall provide the  
3 coverage required by this Section beginning with the first  
4 dollar of a claim.

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

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

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

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

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

1 445a of the Illinois Insurance Code.

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

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

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

13 (625 ILCS 57/32 new)

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

23 (625 ILCS 57/34 new)

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

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.".