

SENATE BILL NO. 915

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

5614S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 379, RSMo, by adding thereto six new sections relating to insurance coverage for certain delivery network companies, with an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 379, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 379.2000, 379.2005,
3 379.2010, 379.2015, 379.2020, and 379.2025, to read as follows:

379.2000. Sections 379.2000 to 379.2025 shall be known
2 and may be cited as the "Delivery Network Company Insurance
3 Act".

379.2005. For the purposes of sections 379.2000 to
2 379.2025, the following terms shall mean:

3 (1) "Delivery availability period", the period when a
4 delivery network company driver:

5 (a) Has logged on to a digital network and is eligible
6 to receive requests to provide delivery services from a
7 delivery network company;

8 (b) Is operating a personal vehicle; and

9 (c) Is not providing delivery services or operating in
10 the delivery service period;

11 (2) "Delivery network company", an entity that:

12 (a) Is a corporation, partnership, sole
13 proprietorship, or other entity;

14 (b) Operates in this state; and

15 (c) Uses a digital network to connect a delivery
16 network company customer to a delivery network company
17 driver to provide delivery services;

18 (3) "Delivery network company customer", a person who:

19 (a) Orders the delivery of goods; and

20 (b) Directs the delivery network company driver as to
21 the delivery location for the goods;

22 (4) "Delivery network company driver", an individual
23 who provides delivery services through a delivery network
24 company's digital network using a personal vehicle. A
25 delivery network company driver is an independent contractor
26 and not an employee of a delivery network company for all
27 purposes;

28 (5) "Delivery service period", the period that:

29 (a) Begins when a delivery network company driver
30 starts operating a personal vehicle en route to pick up
31 goods for a delivery or series of deliveries as documented
32 through a digital network controlled by a delivery network
33 company;

34 (b) Continues while the delivery network company
35 driver transports the requested delivery or deliveries; and

36 (c) Ends upon delivery of the requested goods to:

37 a. The location designated by the delivery network
38 company customer or the location designated by the last
39 delivery network company customer in a series of deliveries;
40 or

41 b. A location designated by the delivery network
42 company, including for purposes of returning the goods;

43 (6) "Delivery services", the fulfillment of delivery
44 requests made by a delivery network company customer through
45 a digital network, including the pickup of any goods by the
46 delivery network company driver and the delivery of the

47 goods to the location designated by the delivery network
48 company customer. The term "delivery services" may include
49 a series of deliveries to the designated locations of
50 different delivery network company customers;

51 (7) "Digital network", any online application,
52 software, website, or system offered or utilized by a
53 delivery network company that enables deliveries with
54 delivery network company drivers;

55 (8) "Personal vehicle", a motor vehicle that is:

56 (a) Used by a delivery network company driver to
57 provide delivery services through a digital network; and

58 (b) Owned, leased, or otherwise authorized for use by
59 the delivery network company driver.

379.2010. 1. Sections 379.2000 to 379.2025 do not
2 limit the scope of federal or state law regarding delivery
3 or transport of goods.

4 2. A delivery made under sections 379.2000 to 379.2025
5 that is subject to any other law shall comply with the
6 requirements of that law.

7 3. If a conflict between sections 379.2000 to 379.2025
8 and another law dealing with the delivery or transport of
9 goods arises, the other law prevails.

379.2015. 1. A delivery network company shall ensure
2 that, during the delivery availability period, if
3 applicable, and during the delivery service period, primary
4 motor vehicle liability insurance is in effect that:

5 (1) Recognizes that the operator of the motor vehicle
6 is a delivery network company driver; or

7 (2) Does not exclude coverage for use of a personal
8 vehicle to provide deliveries.

9 2. During the delivery service period and the delivery
10 availability period, the delivery network company driver or

11 delivery network company, or any combination of the two,
12 shall maintain motor vehicle liability insurance coverage
13 that insures the delivery network company driver for
14 liability to third parties of not less than:

15 (1) Fifty thousand dollars for damages arising out of
16 bodily injury sustained by any one person in an accident;

17 (2) One hundred thousand dollars for damages arising
18 out of bodily injury sustained by all persons injured in an
19 accident; and

20 (3) Twenty-five thousand dollars for all damages
21 arising out of damage to or destruction of property in an
22 accident.

23 3. If the insurance coverage maintained by a delivery
24 network company driver under subsections 1 and 2 of this
25 section has lapsed or does not provide the required motor
26 vehicle liability insurance coverage, the following
27 requirements shall apply:

28 (1) The insurance coverage maintained by the delivery
29 network company shall provide the motor vehicle liability
30 insurance coverage required by subsections 1 and 2 of this
31 section beginning with the first one dollar of a claim; and

32 (2) The insurance coverage maintained by the delivery
33 network company shall provide that the motor vehicle
34 liability insurer has the duty to defend the claim.

35 4. Coverage under a motor vehicle liability insurance
36 policy maintained by the delivery network company is not
37 dependent upon another motor vehicle liability insurer first
38 denying a claim, nor shall another motor vehicle liability
39 insurance policy be required to first deny a claim.

40 5. Insurance coverage required by this section may be
41 obtained from an insurance company licensed to transact

42 business under the insurance laws of this state or by an
43 eligible surplus lines insurer under chapter 384.

44 6. The coverage required under subsections 1 and 2 of
45 this section shall be deemed to satisfy the motor vehicle
46 financial responsibility requirements for a motor vehicle
47 under chapter 303.

48 7. (1) A delivery network company driver shall carry
49 proof of insurance required under subsections 1 and 2 of
50 this section at all times while using a personal vehicle in
51 connection with a digital network.

52 (2) In the event of an accident, a delivery network
53 company driver shall, upon request:

54 (a) Provide insurance coverage information to the
55 directly interested parties, insurers, and investigating law
56 enforcement officers; and

57 (b) Disclose to the directly interested parties,
58 insurers, and investigating law enforcement officers whether
59 the delivery network company driver was operating during the
60 delivery availability period or the delivery service period
61 at the time of the accident.

62 (3) The insurance coverage information required in
63 section 303.024 may be displayed or provided in either paper
64 or electronic format.

65 8. (1) In a claims coverage investigation, a delivery
66 network company or an insurer of the delivery network
67 company shall:

68 (a) Cooperate with all insurers that are involved in
69 the claims coverage investigation to facilitate the exchange
70 of information; and

71 (b) Upon request by directly involved parties or an
72 insurer of directly involved parties, immediately provide
73 the times that a delivery network company driver began and

ended the delivery availability period and the delivery service period on the delivery network company's digital network in:

a. The twelve-hour period immediately preceding the accident; and

b. The twelve-hour period immediately following the accident.

(2) An insurer potentially providing the coverage required in this section shall disclose upon request by any other insurer involved in the particular claim a clear description of the applicable coverage, exclusions, and limits provided under any motor vehicle liability insurance policies maintained in order to satisfy the requirements of this section.

9. An insurer of a delivery network company providing coverage under subsections 1 and 2 of this section shall assume primary liability for a claim when:

(1) A dispute exists as to when the delivery availability period or the delivery service period began or ended; and

(2) The delivery network company does not have available, did not retain, or fails to provide the information required in subsection 7 of this section.

10. A delivery network company shall not be deemed to control, direct, or manage a personal vehicle or delivery network company driver who connects to the delivery network company's digital network except if agreed to by written contract.

379.2020. A delivery network company shall not permit a delivery network company driver to engage in delivery services on the delivery network company's digital network

4 until the delivery network company discloses in writing to
5 the delivery network company driver:

6 (1) The insurance coverage, including, but not limited
7 to, the types of coverage and the limits for each coverage,
8 that the delivery network company provides while the
9 delivery network company driver uses a personal vehicle in
10 connection with a delivery network company's digital
11 network; and

12 (2) That the delivery network company driver's own
13 motor vehicle liability insurance policy may not provide any
14 insurance coverage during the delivery availability period,
15 if applicable, or the delivery service period.

379.2025. 1. An insurer that is licensed to write
2 motor vehicle liability insurance in this state may exclude
3 coverage and deny the duty to defend or indemnify for a
4 claim of injury or loss that occurs during the delivery
5 availability period and the delivery service period.

6 2. The right to exclude all coverage under subsection
7 1 of this section may apply to any coverage included in the
8 motor vehicle liability insurance policy including, but not
9 limited to:

10 (1) Liability coverage for bodily injury and property
11 damage;

12 (2) Uninsured and underinsured motorist coverage;

13 (3) Medical payments coverage;

14 (4) Comprehensive physical damage coverage; and

15 (5) Collision physical damage coverage.

16 3. Sections 379.2000 to 379.2025 do not:

17 (1) Invalidate or limit an exclusion contained in a
18 motor vehicle liability insurance policy, including any
19 insurance policy in use or approved for use that excludes

20 coverage for motor vehicles used for delivery or for any
21 business use; or

22 (2) Invalidate, limit, or restrict an insurer's
23 ability under existing law to:

24 (a) Underwrite any insurance policy; or

25 (b) Cancel and nonrenew an insurance policy.

26 4. A motor vehicle liability insurer that defends or
27 indemnifies a claim against a delivery network company
28 driver that is excluded under the terms of its insurance
29 policy may seek recovery against the insurer providing
30 insurance coverage under subsections 1 and 2 of section
31 379.2015 if the claim:

32 (1) Occurs during the delivery availability period or
33 the delivery service period; and

34 (2) Is excluded under the terms of its insurance
35 policy.

Section B. The enactment of section A of this act
2 shall become effective on October 1, 2027.

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