

SECOND REGULAR SESSION

# HOUSE BILL NO. 1789

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

5450H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To amend chapter 379, RSMo, by adding thereto six new sections relating to delivery network companies, with a delayed 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 six new sections, to be known as sections 379.2000, 379.2005, 379.2010, 379.2015, 379.2020, and 379.2025, to read as follows:

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

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

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

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

**(b) Is operating a personal vehicle; and**

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

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

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

**(b) Operates in this state; and**

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15           (a) Orders the delivery of goods; and
- 16           (b) Directs the delivery network company driver as to the delivery location for
- 17 the goods;
- 18           (4) "Delivery network company driver", a person who provides delivery services
- 19 through a delivery network company's digital network using a personal vehicle. A
- 20 delivery network company driver is an independent contractor and not an employee of a
- 21 delivery network company for all purposes;
- 22           (5) "Delivery service period", the period that:
- 23           (a) Begins when a delivery network company driver starts operating a personal
- 24 vehicle en route to pick up goods for a delivery or series of deliveries as documented
- 25 through a digital network controlled by a delivery network company;
- 26           (b) Continues while the delivery network company driver transports the
- 27 requested delivery or deliveries; and
- 28           (c) Ends upon delivery of the requested goods to:
- 29           a. The location designated by the delivery network company customer or the
- 30 location designated by the last delivery network company customer in a series of
- 31 deliveries; or
- 32           b. A location designated by the delivery network company, including for
- 33 purposes of returning the goods;
- 34           (6) "Delivery services", the fulfillment of delivery requests made by a delivery
- 35 network company customer through a digital network, including the pickup of any
- 36 goods by the delivery network company driver and the delivery of the goods to the
- 37 location designated by the delivery network company customer. The term "delivery
- 38 services" may include a series of deliveries to the designated locations of different
- 39 delivery network company customers;
- 40           (7) "Digital network", any online application, software, website, or system
- 41 offered or utilized by a delivery network company that enables deliveries with delivery
- 42 network company drivers;
- 43           (8) "Personal vehicle", a motor vehicle that is:
- 44           (a) Used by a delivery network company driver to provide delivery services
- 45 through a digital network; and
- 46           (b) Owned, leased, or otherwise authorized for use by the delivery network
- 47 company driver.

379.2010. 1. Sections 379.2000 to 379.2025 do not limit the scope of federal or

2 state law regarding delivery or transport of goods.

3           2. A delivery made under sections 379.2000 to 379.2025 that is subject to any

4 other law shall comply with the requirements of that law.

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

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

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

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

7           **2. During the delivery service period and the delivery availability period, the**  
8 **delivery network company driver or delivery network company, or any combination of**  
9 **the two, shall maintain motor vehicle liability insurance coverage that insures the**  
10 **delivery network company driver for liability to third parties of not less than:**

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

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

15           **(3) Twenty-five thousand dollars for all damages arising out of damage to or**  
16 **destruction of property in an accident.**

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

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

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

25           **4. Coverage under a motor vehicle liability insurance policy maintained by the**  
26 **delivery network company is not dependent upon another motor vehicle liability insurer**  
27 **first denying a claim nor shall another motor vehicle liability insurance policy be**  
28 **required to first deny a claim.**

29           **5. Insurance coverage required by this section may be obtained from an**  
30 **insurance company licensed to transact business under the insurance laws of this state**  
31 **or by an eligible surplus lines insurer under chapter 384.**

32           **6. The coverage required under subsections 1 and 2 of this section shall be**  
33 **deemed to satisfy the motor vehicle financial responsibility requirements for a motor**  
34 **vehicle under chapter 303.**

35           7. (1) A delivery network company driver shall carry proof of insurance  
36 required under subsections 1 and 2 of this section at all times while using a personal  
37 vehicle in connection with a digital network.

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

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

42           (b) Disclose to the directly interested parties, insurers, and investigating law  
43 enforcement officers whether the delivery network company driver was operating  
44 during the delivery availability period or the delivery service period at the time of the  
45 accident.

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

48           8. (1) In a claims coverage investigation, a delivery network company or an  
49 insurer of the delivery network company shall:

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

52           (b) Upon request by directly involved parties or an insurer of directly involved  
53 parties, immediately provide the times that a delivery network company driver began  
54 and ended the delivery availability period and the delivery service period on the delivery  
55 network company's digital network in:

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

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

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

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

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

67           (2) The delivery network company does not have available, did not retain, or  
68 fails to provide the information required in subsection 8 of this section.

69           10. A delivery network company shall not be deemed to control, direct, or  
70 manage a personal vehicle or delivery network company driver who connects to the  
71 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 until the delivery network company discloses in writing or electronically to the delivery network company driver:**

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

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

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

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

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

**(2) Uninsured and underinsured motorist coverage;**

**(3) Medical payments coverage;**

**(4) Comprehensive physical damage coverage; and**

**(5) Collision physical damage coverage.**

**3. Sections 379.2000 to 379.2025 do not:**

**(1) Invalidate or limit an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles used for delivery or for any business use; or**

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

**(a) Underwrite any insurance policy; or**

**(b) Cancel and nonrenew an insurance policy.**

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

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

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

Section B. The enactment of sections 379.2000, 379.2005, 379.2010, 379.2015,  
2 379.2020, and 379.2025 of section A of this act shall become effective on October 1, 2027.

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