

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1789**  
**103RD GENERAL ASSEMBLY**

5450H.04C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To amend chapter 379, RSMo, by adding thereto six new sections relating to delivery network companies, with a delayed effective date.

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*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  
2 known as sections 379.2000, 379.2005, 379.2010, 379.2015, 379.2020, and 379.2025, to read  
3 as follows:

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

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

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

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

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

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

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

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

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

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

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

15 (a) **Orders the delivery of goods; and**

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.

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 or agent and not an  
21 employee of a 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 shall 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. Operating a motor vehicle during the delivery availability period**  
2 **shall not be construed as commercial activity.**

3           **2. A delivery network company shall ensure that during the delivery service**  
4 **period, primary motor vehicle liability insurance is in effect that:**

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

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

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

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

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

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

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

21           **(1) The insurance coverage maintained by the delivery network company shall**  
22 **provide the motor vehicle liability insurance coverage required by subsections 2 and 3 of**  
23 **this section beginning with the first one dollar of a claim; and**

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

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

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

33           **7. The coverage required under subsections 2 and 3 of this section shall be**  
34 **deemed to satisfy the motor vehicle financial responsibility requirements for a motor**  
35 **vehicle under chapter 303.**

36           **8. (1) A delivery network company driver shall carry proof of insurance**  
37 **required under subsections 2 and 3 of this section at all times while using a personal**  
38 **vehicle in connection with a digital network. A digital network is not a product under**  
39 **the law.**

40           **(2) In the event of an accident, a delivery network company driver shall, upon**  
41 **request:**

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

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

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

49           **9. (1) In a claims coverage investigation, a delivery network company or an**  
50 **insurer of the delivery network company shall:**

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

53           **(b) Upon request by directly involved parties or an insurer of directly involved**  
54 **parties, provide the times that a delivery network company driver began the delivery**  
55 **service period on the delivery 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           **10. An insurer of a delivery network company providing coverage under**  
64 **subsections 2 and 3 of this section shall assume primary liability for a claim when:**

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

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

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

**379.2020. 1. A delivery network company shall not permit a delivery network**  
2 **company driver to engage in delivery services on the delivery network company's digital**

3 network until the delivery network company discloses in writing or electronically to the  
4 delivery network company driver:

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

9 (2) That the delivery network company driver's own motor vehicle liability  
10 insurance policy may not provide any insurance coverage during the delivery service  
11 period.

12 2. A delivery network company shall verify that the driver has motor vehicle  
13 liability insurance coverage in this state before the driver provides delivery network  
14 services. The verification shall continue at every six-month interval thereafter, and until  
15 such time as the driver continues to provide the delivery network services for the  
16 delivery network company.

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

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

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

8 (2) Uninsured and underinsured motorist coverage;

9 (3) Medical payments coverage;

10 (4) Comprehensive physical damage coverage; and

11 (5) Collision physical damage coverage.

12 3. Sections 379.2000 to 379.2025 shall not:

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

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

17 (a) Underwrite any insurance policy; or

18 (b) Cancel and nonrenew an insurance policy.

19 4. A motor vehicle liability insurer that defends or indemnifies a claim against a  
20 delivery network company driver that is excluded under the terms of its insurance  
21 policy may seek recovery against the insurer providing insurance coverage under  
22 subsections 2 and 3 of section 379.2015 if the claim:

23 (1) Occurs during the delivery service period; and

24           **(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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