



SPONSOR: Sen. Paradee & Rep. Dorsey Walker & Rep. Griffith
Sens. Sokola, Mantzavinos, Sturgeon, Walsh; Reps.
Baumbach, Lynn, Bush, Carson, Hensley, Minor-Brown,
Michael Smith, Spiegelman

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 209

AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO TRANSPORTATION AND
INSURANCE COVERAGE FOR THE DELAWARE TRANSPORTATION AUTHORITY, PUBLIC CARRIERS, AND
TRANSPORTATION NETWORK COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 13, Title 2 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1329. Liability of Authority.

4 (a) Any operation, service or program provided by the Delaware Transportation Authority or under its auspices not
5 covered by a general liability policy, self-insurance or other insurance policy as shall be legally established and funded by
6 said Authority shall be covered and protected by the doctrine of sovereign immunity of the State which shall be applicable
7 not only to the Authority but to each of its agencies, administrations, subsidiaries and each of their respective officers and
8 employees; which immunity shall apply to and against any lawsuit or liability arising from any such operation, service or
9 program, except as specifically excepted under this section. No legal or equitable action seeking damages as a result of any
10 operation, service or program described in the preceding sentence shall be permitted or damages recovered except as such
11 activity is and shall be covered by an insurance program procured in accordance with law and for which adequate funding
12 is available. In the event that insurance has been provided, such claim, including any award for damages or costs assessed
13 against the Authority, its administrations, subsidiaries, officers or employees either individually or on behalf of their
14 employer shall not exceed the amount of said insurance covering the risk or loss or the amount of ~~\$300,000~~ \$1,000,000
15 whichever amount shall be the lesser for any and all claims arising out of a single occurrence.

16 (b) For fiscal years beginning July 1, 1997, and thereafter, the annual budget of the Delaware Transit Corporation
17 shall include funding for an insurance program as described in subsection (a) of this section. This insurance program may
18 be provided by either (1) a combination of self-insurance and commercially procured insurance, or (2) entirely
19 commercially procured insurance. The monetary limits of § 1329(a) of this title shall apply to passenger rail carrier
20 operations authorized under § 1332 of this title. For all other operations of the Delaware Transit Corporation, the monetary
21 limits of § 1329(a) of this title shall not apply, and the Corporation shall instead be liable for the amount of its insurance

covering the risk or loss; provided, however, that the insurance program shall provide a minimum coverage of ~~\$300,000~~
\$1,000,000 for any and all claims arising out of a single occurrence and \$1,000,000 for uninsured and underinsured
insurance for any and all claims arising out of single occurrence.

Section 2. Amend Chapter 18, Title 2 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 1802. Regulation of public carriers.

(p) The Department shall prescribe by rule, regulation or order minimum amounts and kinds of insurance which
shall be carried by public carriers, provided that no public carrier shall be permitted to operate as such unless and until each
and all of its vehicles transporting passengers shall be covered by and with a public liability and property damage insurance
policy or policies issued by an insurance company authorized to do business in the State in the minimum amounts of
\$1,000,000 for death, bodily injury, and property damage and \$1,000,000 for uninsured and underinsured insurance for all
public carriers as defined under this Chapter. ~~\$100,000 per person per accident for personal injury or death and \$50,000 per~~
~~accident for property damage for limousines and charter buses. Taxicabs shall be covered in the minimum amounts of~~
~~\$25,000 per person per accident for personal injury or death, and \$10,000 per accident for property damage.~~ Every vehicle
issued a taxicab medallion shall be covered in these amounts at all times until the vehicle is either replaced or the medallion
is surrendered or sold.

§ 1818. Public carriers operating buses; public liability insurance.

The Department may prescribe by regulation or order, as to public carriers operating charter buses, such
requirements as it deems necessary for the protection of persons or property of their patrons and the public, including the
filing of surety bonds, the carrying of insurance or the qualifications and conditions under which such carriers may act as
self-insurers with respect to such matters. ~~All such motor carriers, whose current liquid assets do not exceed their current~~
~~liabilities by at least \$100,000, shall cover each and every vehicle transporting passengers or property, with a public~~
~~liability and property damage insurance policy or policies issued by an insurance company authorized to do business in this~~
State, in such amounts as the Department may prescribe, but not less than \$25,000 for 1 and \$50,000 for more than 1 person
~~injured or killed in any 1 accident, and not less than \$10,000 for loss or damage in any 1 accident to property of others,~~
~~excluding cargo.~~

Section 3. Amend Chapter 19, Title 2 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 1908. Financial responsibility of transportation network companies.

On or before August 10, 2016, and thereafter, a transportation network company driver or transportation network company on the TNC driver's behalf shall maintain primary automobile insurance that:

(1) Recognizes that the TNC driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the TNC driver in both of the following 2 circumstances:

a. While the TNC driver is logged on to the transportation network company's digital network;
and

b. While the TNC driver is engaged in a prearranged ride.

(2) The following automobile insurance requirements shall apply while a participating transportation network company 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:

a. Primary automobile liability insurance in the amount of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
and

b. Personal injury protection benefits that meet the minimum coverage amounts where required by § 2118 of Title 21;

c. Uninsured and Underinsured Motorist insurance in the minimum amount of \$100,000 per incident.

e. d. The coverage requirements of this paragraph (2) may be satisfied by any of the following:

1. Automobile insurance maintained by the transportation network company ~~driver, or~~
driver.

2. Automobile insurance maintained by the transportation network ~~company, or~~
company.

3. Any combination of paragraphs ~~(2)e.1. (2)d.1. and (2)e.2. (2)d.2.~~ of this section.

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

a. Primary automobile liability insurance that provides at least \$1,000,000 for death, bodily injury and property damage;

b. Minimum coverage amounts where required by § 2118 of Title 21 and § 3902 of Title 18.

c. Uninsured and Underinsured Motorist insurance in the minimum amount of \$1,000,000 per incident.

e. d. The coverage requirements of this paragraph (3) may be satisfied by any of the following:

1. Automobile insurance maintained by the transportation network company ~~driver; or~~

driver.

2. Automobile insurance maintained by the transportation network ~~company; or~~

company.

3. Any combination of paragraphs ~~(3)e-1.~~ (3)d.1. and ~~(3)e-2.~~ (3)d.2. of this section.

Section 4. This Act shall take effect beginning July 1, 2022.

SYNOPSIS

In 2016, Title 2, Chapter 19 was enacted to address the growing use of ride share applications also known as a Transportation Network Companies (“TNC”), which transport passengers for compensation. In 2016, the General Assembly acknowledged the importance of protecting TNC passengers as well as other drivers on Delaware roads by requiring that a TNC possess \$1,000,000.00 in death, bodily injury and property damage insurance coverage when transporting passengers. Because many Delaware citizens do not use a TNC for transportation but use other forms of transportation, such as buses, taxicabs or limousines, this Act increases the death, bodily injury and property damage insurance coverage required for the Delaware Transportation Authority (i.e. DART buses) and public carriers as defined by Chapter 18, Title 2 to that which is already required by a TNC. The Act also requires that public carriers, TNCs and Delaware Transportation Authority possess uninsured and underinsured insurance coverage to protect their passengers. The Act will take effect on July 1, 2022.

Author: Senator Paradee