

HOUSE BILL No. 2596

By Committee on Transportation

2-3

1 AN ACT concerning transportation; relating to transportation network
2 companies; authorizing the board of education of a school district to
3 contract with transportation network companies to provide certain
4 transportation services; **specifying certain requirements for such**
5 **boards of education and transportation network companies**
6 **contracting thereto; amending K.S.A. 2021 Supp. 8-2708 and**
7 **repealing the existing section}.**
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 {New} Section 1. (a) The board of education of a school district may
11 contract with a TNC to transport eight persons or fewer to and from school
12 or school-related activities, where appropriate, as the contract with the
13 TNC may establish.

14 (b) In addition to the requirements of this act for TNCs and
15 transportation network company drivers, the board of education of a
16 school district may establish additional requirements in the contract with
17 the TNC. **The department of education, in consultation with a TNC**
18 **that will provide services pursuant to this section, may issue guidance**
19 **to school districts contracting with a TNC to provide transportation**
20 **services.**

21 (c) TNCs shall ~~also~~ require transportation network company drivers
22 providing services pursuant to this section to undergo a criminal history
23 record check pursuant to K.S.A. 75-712i, and amendments thereto.

24 (d) **A TNC that provides transportation services pursuant to this**
25 **section shall provide an annual safety report to the state board of**
26 **education for any safety incidents that occurred in the previous**
27 **calendar year.**

28 ~~(e)~~(e) **{A transportation network company shall name as an**
29 **additional insured on such transportation network company's**
30 **insurance policy any school district that contracts with such**
31 **transportation network company to provide transportation services**
32 **pursuant to this section.**

33 (f) The Kansas transportation network company services act and the
34 contract between the board of education of a school district and the TNC

1 shall exclusively govern the services provided pursuant to this section, and
 2 all rules and regulations of the state board of education concerning the
 3 transportation of students shall not apply.

4 **{(g) The board of education of a school district that contracts for**
 5 **school transportation services pursuant to this section shall:**

6 **(1) Provide notice to the parent or guardian of a student that such**
 7 **student will be riding with a transportation network company;**

8 **(2) provide an annual disclaimer to the parent or guardian of a**
 9 **student that may be transported by a transportation network**
 10 **company that the school district uses transportation network**
 11 **company services for school transportation purposes and that the**
 12 **relationship between the school district and the transportation**
 13 **network company is governed by a contract and not the rules and**
 14 **regulations of the state board of education;**

15 **(3) permit the parent or guardian of a student to not allow such**
 16 **student to ride with a transportation network company; and**

17 **(4) maintain insurance coverage for students transported by a**
 18 **transportation network company that covers the students as though**
 19 **the students were in the care, custody and control of the school district**
 20 **even when being transported by a transportation network company.}**

21 ~~(d)(f)(h)}~~ **{(h)}** This section shall be a part of and supplemental to the
 22 Kansas transportation network company services act.

23 **{Sec. 2. K.S.A. 2021 Supp. 8-2708 is hereby amended to read as**
 24 **follows: 8-2708. On January 1, 2016, and thereafter, (a) A transportation**
 25 **network company driver or vehicle owner or transportation network**
 26 **company on the driver's behalf shall maintain primary automobile**
 27 **insurance that:**

28 ~~(a)~~—**recognizes that the driver is a transportation network**
 29 **company driver and covers the driver while the driver is logged on to**
 30 **the transportation network company's digital network, while the**
 31 **driver is engaged in a prearranged ride or while the driver otherwise**
 32 **uses a vehicle to transport passengers for compensation.**

33 **(b) (1) The following automobile insurance requirements shall**
 34 **apply while a participating transportation network company driver is**
 35 **logged on to the transportation network company's digital network**
 36 **and is available to receive transportation requests but is not engaged**
 37 **in a prearranged ride:**

38 **(A) Primary automobile liability insurance in the amount of at**
 39 **least \$50,000 for death and bodily injury per person, \$100,000 for**
 40 **death and bodily injury per incident, and \$25,000 for property**
 41 **damage; and**

42 **(B) primary automobile liability insurance that meets the**
 43 **minimum coverage requirements where required by K.S.A. 40-284**

1 and 40-3107(f), and amendments thereto.

2 (2) The coverage requirements of this subsection (b) may be
3 satisfied by any of the following:

4 (A) Automobile insurance maintained by the transportation
5 network company driver or vehicle owner;

6 (B) automobile insurance maintained by the transportation
7 network company; or

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

9 (c) (1) The following automobile insurance requirements shall
10 apply while a transportation network company driver is engaged in a
11 prearranged ride:

12 (A) Primary automobile liability insurance that provides at least
13 \$1,000,000 for death, bodily injury and property damage; *and*

14 (B) primary automobile liability insurance that meets the
15 minimum coverage requirements where required by K.S.A. 40-284
16 and 40-3107(f), and amendments thereto.

17 (2) The coverage requirements of this subsection (c) may be
18 satisfied by any of the following:

19 (A) Automobile insurance maintained by the transportation
20 network company driver or vehicle owner;

21 (B) automobile insurance maintained by the transportation
22 network company; or

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

24 (d) If insurance maintained by the driver or vehicle owner in
25 subsection (b) or (c) has lapsed or does not provide the required
26 coverage, insurance maintained by a transportation network company
27 shall provide the coverage required by this section beginning with the
28 first dollar of a claim and shall have the duty to defend such claim.

29 (e) Coverage under an automobile insurance policy maintained
30 by the transportation network company shall not be dependent on a
31 personal automobile insurer first denying a claim nor shall a personal
32 automobile insurance policy be required to first deny a claim.

33 (f) *A transportation network company that contracts with the board
34 of education of a school district to provide transportation services
35 pursuant to section 1, and amendments thereto, shall name such school
36 district as an additional insured party on such transportation networks
37 company's automobile insurance policy.*

38 ~~(f)~~(g) Insurance required by this section may be placed with an
39 insurer licensed under K.S.A. 40-208 or 40-209, and amendments
40 thereto, or with a surplus lines insurer eligible under K.S.A. 40-246b,
41 and amendments thereto.

42 ~~(g)~~(h) Insurance satisfying the requirements of this section shall
43 be deemed to satisfy the financial responsibility requirement for a

1 personal vehicle under the Kansas automobile injury reparations act,
2 K.S.A. 40-3101 et seq., and amendments thereto.

3 ~~(b)~~(i) A transportation network company driver shall carry proof
4 of coverage satisfying subsections (b) and (c) with such driver at all
5 times during such driver's use of a vehicle in connection with a
6 transportation network company's digital network. In the event of an
7 accident, a transportation network company driver shall provide this
8 insurance coverage information to the directly interested parties,
9 automobile insurers and investigating police officers, upon request
10 pursuant to K.S.A. 8-173, and amendments thereto. Upon such
11 request, a transportation network company driver shall also disclose
12 to directly interested parties, automobile insurers and investigating
13 police officers, whether such driver was logged on to the
14 transportation network company's digital network or on a
15 prearranged ride at the time of an accident.

16 **Sec. 3. K.S.A. 2021 Supp. 8-2708 is hereby repealed.**}

17 ~~Sec. 4.~~ {4.} This act shall take effect and be in force from and after its
18 publication in the statute book.