

By: Representative Chism

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1381

1 AN ACT TO PROVIDE FOR THE LICENSURE AND REGULATION OF
2 BUSINESSES THAT USE A DIGITAL NETWORK TO CONNECT RIDERS TO DRIVERS
3 WHO PROVIDE PREARRANGED RIDES; TO REQUIRE THAT SUCH A BUSINESS
4 MUST OBTAIN A LICENSE FROM THE DEPARTMENT OF INSURANCE IN ORDER TO
5 OPERATE IN THIS STATE; TO PROVIDE THE FEE FOR SUCH LICENSE; TO
6 REQUIRE CERTAIN DISCLOSURES WITH REGARD TO FARES; TO PROVIDE THAT
7 THE APPLICATION OR WEBSITE OF SUCH BUSINESS SHALL DISPLAY A
8 PICTURE OF THE DRIVER AND THE LICENSE PLATE NUMBER OF THE MOTOR
9 VEHICLE UTILIZED TO PROVIDE THE PREARRANGED RIDE; TO REQUIRE AN
10 ELECTRONIC RECEIPT TO BE TRANSMITTED TO THE RIDER; TO REQUIRE
11 CERTAIN PRIMARY AUTOMOBILE INSURANCE TO BE MAINTAINED BY THE
12 DRIVER OR BY THE BUSINESS ON BEHALF OF THE DRIVER; TO PROVIDE THAT
13 DRIVERS SHALL BE INDEPENDENT CONTRACTORS AND NOT EMPLOYEES OF THE
14 BUSINESS IF CERTAIN CONDITIONS ARE MET; TO REQUIRE THE BUSINESS TO
15 IMPLEMENT A ZERO-TOLERANCE POLICY REGARDING A DRIVER'S ACTIVITIES
16 WHILE ACCESSING THE DIGITAL PLATFORM OF SUCH BUSINESS; TO PROVIDE
17 THAT CERTAIN REQUIREMENTS MUST BE MET BY DRIVERS BEFORE THEY MAY
18 ACCEPT TRIP REQUESTS THROUGH THE DIGITAL PLATFORM OF THE BUSINESS;
19 TO REQUIRE SUCH BUSINESS TO MAINTAIN CERTAIN RECORDS; TO AUTHORIZE
20 THE COMMISSIONER OF INSURANCE TO MAKE EXAMINATIONS INTO THE
21 AFFAIRS OF SUCH BUSINESSES; TO RESTRICT THE REGULATION OF SUCH
22 BUSINESSES BY LOCAL GOVERNMENTS; TO AUTHORIZE THE COMMISSIONER OF
23 INSURANCE TO ADOPT RULES AND REGULATIONS NECESSARY TO ENSURE
24 COMPLIANCE WITH THIS ACT; TO AMEND SECTIONS 63-15-43 AND 77-7-5,
25 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
26 PURPOSES.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

28 **SECTION 1.** As used in this act:

29 (a) "Personal vehicle" means a vehicle that is used by
30 a transportation network company driver and is:



31 (i) Owned, leased or otherwise authorized for use
32 by the transportation network company driver; and

33 (ii) Not a common carrier by motor vehicle,
34 contract carrier by motor vehicle, or restricted motor carrier
35 under Chapter 7, Title 77, Mississippi Code of 1972.

36 (b) "Commissioner" means the Commissioner of Insurance.

37 (c) "Department" means the Mississippi Department of
38 Insurance.

39 (d) "Digital network" means any online-enabled
40 technology application service, website or system offered or
41 utilized by a transportation network company that enables the
42 prearrangement of rides with transportation network company
43 drivers.

44 (e) "Transportation network company" means a
45 corporation, partnership, sole proprietorship, or other entity
46 that is licensed under this act and operating in Mississippi that
47 uses a digital network to connect transportation network company
48 riders to transportation network company drivers who provide
49 prearranged rides. A transportation network company shall not be
50 deemed to control, direct or manage the personal vehicles or
51 transportation network company drivers that connect to its digital
52 network, except where agreed to by written contract.

53 (f) "Transportation network company driver" or "driver"
54 means an individual who:



55 (i) Receives connections to potential passengers
56 and related services from a transportation network company in
57 exchange for payment of a fee to the transportation network
58 company; and

59 (ii) Uses a Personal Vehicle to offer or provide a
60 prearranged ride to riders upon connection through a digital
61 network controlled by a transportation network company in return
62 for compensation or payment of a fee.

63 (g) "Transportation network company rider" or "rider"
64 means an individual or persons who use a transportation network
65 company's digital network to connect with a transportation network
66 driver who provides prearranged rides to the rider in the driver's
67 personal vehicle between points chosen by the rider.

68 (h) "Prearranged ride" means the provision of
69 transportation by a driver to a rider, beginning when a driver
70 accepts a ride requested by a rider through a digital network
71 controlled by a transportation network company, continuing while
72 the driver transports a requesting rider, and ending when the last
73 requesting rider departs from the personal vehicle. A prearranged
74 ride does not include transportation provided using a common
75 carrier by motor vehicle, contract carrier by motor vehicle, or
76 restricted motor carrier under Chapter 7, Title 77, Mississippi
77 Code of 1972. A prearranged ride does not include shared expense
78 carpool arrangements or vanpooling as defined in Section 77-7-7,
79 or any other type of arrangement or service in which the driver



80 receives a fee that does not exceed the driver's costs associated
81 with providing the ride.

82 **SECTION 2.** Transportation network companies or
83 transportation network company drivers are not common carriers by
84 motor vehicle, contract carriers by motor vehicle, or restricted
85 motor carriers under Chapter 7, Title 77, Mississippi Code of
86 1972, nor do they provide taxicab or limousine services. A
87 transportation network company driver shall not be required to
88 register the vehicle the driver uses to provide prearranged rides
89 as a commercial vehicle.

90 **SECTION 3.** (1) A person shall not operate a transportation
91 network company in Mississippi without first having obtained a
92 license from the department, provided that any transportation
93 network company operating in this state before the effective date
94 of this act may continue operating until the department creates a
95 license process and sets a registration deadline.

96 (2) The Department shall issue a license to each applicant
97 that meets the requirements for a transportation network company
98 as provided for in this act, and pays an annual license fee of
99 Five Thousand Dollars (\$5,000.00) to the department.

100 **SECTION 4.** The transportation network company shall maintain
101 an agent for service of process in the State of Mississippi.

102 **SECTION 5.** On behalf of a transportation network company
103 driver, a transportation network company may charge a fare for the
104 services provided to riders; however, if a fare is collected from



105 a rider, the transportation network company shall disclose to the
106 rider the fare or fare calculation method on its website or within
107 the online-enabled technology application service. The
108 transportation network company shall also provide riders with the
109 applicable rates being charged and the option to receive an
110 estimated fare before the rider enters the transportation network
111 company driver's vehicle.

112 **SECTION 6.** The transportation network company's
113 online-enabled technology application or website shall display a
114 picture of the transportation network company driver, and the
115 license plate number of the motor vehicle utilized for providing
116 the prearranged ride before the rider enters the transportation
117 network company driver's vehicle.

118 **SECTION 7.** Within a reasonable period of time following the
119 completion of a trip, a transportation network company shall
120 transmit an electronic receipt to the rider on behalf of the
121 transportation network company driver that lists:

- 122 (a) The origin and destination of the trip;
123 (b) The total time and distance of the trip; and
124 (c) An itemization of the total fare paid, if any.

125 **SECTION 8.** (1) On or before the effective date of this act
126 and thereafter, a transportation network company driver or
127 transportation network company on the driver's behalf shall
128 maintain primary automobile insurance that recognizes that the
129 driver is a transportation network company driver or otherwise



130 uses a vehicle to transport passengers for compensation and covers
131 the driver:

132 (a) While the driver is logged on to the transportation
133 network company's digital network; or

134 (b) While the driver is engaged in a prearranged ride.

135 (2) A participating transportation network company driver
136 who is logged on to the transportation network company's digital
137 network and is available to receive transportation requests but is
138 not engaged in a prearranged ride shall be covered by primary
139 automobile liability insurance in the amount of at least Fifty
140 Thousand Dollars (\$50,000.00) for death and bodily injury per
141 person, One Hundred Thousand Dollar (\$100,000.00) for death and
142 bodily injury per incident and Twenty-five Thousand Dollars
143 (\$25,000.00) for property damage and uninsured motorist to the
144 extent required by Section 83-11-101.

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

147 (a) Automobile insurance maintained by the
148 transportation network company driver; or

149 (b) Automobile insurance maintained by the
150 transportation network company; or

151 (c) Any combination of paragraphs (a) and (b) of this
152 subsection.

153 (4) (a) While a transportation network company driver is
154 engaged in a prearranged ride he must be covered by a primary



155 automobile liability insurance that provides at least One Million
156 Dollars (\$1,000,000.00) for death, bodily injury and property
157 damage and uninsured motorist to the extent required by Section
158 83-11-101.

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

161 (i) Automobile insurance maintained by the
162 transportation network company driver; or

163 (ii) Automobile insurance maintained by the
164 transportation network company; or

165 (iii) Any combination of paragraphs (a) and (b) of
166 this subsection.

167 (5) If insurance maintained by driver in subsections (3) or
168 (4) of this section has lapsed or does not provide the required
169 coverage, insurance maintained by a transportation network company
170 shall provide the coverage required by this section beginning with
171 the first dollar of a claim and the insurer shall have the duty to
172 defend such claim.

173 (6) Coverage under an automobile insurance policy maintained
174 by the transportation network company shall not be dependent on a
175 personal automobile insurer first denying a claim nor shall a
176 personal automobile insurance policy be required to first deny a
177 claim.



178 (7) Insurance required by this section may be placed with an
179 insurer licensed to do business in Mississippi or with a surplus
180 lines insurer eligible under Section 83-21-17 et seq.

181 (8) Insurance satisfying the requirements of this section
182 shall be deemed to satisfy the financial responsibility
183 requirement for a motor vehicle under the Mississippi Motor
184 Vehicle Safety Responsibility Law Section 63-15-1 et seq.

185 (9) A transportation network company driver shall carry
186 proof of coverage satisfying this section with him or her at all
187 times during his or her use of a vehicle in connection with a
188 transportation network company's digital network. In the event of
189 an accident, a transportation network company driver shall provide
190 this insurance coverage information to the directly interested
191 parties, automobile insurers and investigating police officers,
192 upon request. Upon a request, a transportation network company
193 driver shall also disclose to directly interested parties,
194 automobile insurers, and investigating police officers, whether he
195 or she was logged on to the transportation network company's
196 digital network or on a prearranged ride at the time of an
197 accident.

198 **SECTION 9.** The transportation network company shall disclose
199 in writing to transportation network company drivers the following
200 before they are allowed to accept a request for a prearranged ride
201 on the transportation network company's digital network:



202 (a) The insurance coverage, including the types of
203 coverage and the limits for each coverage, that the transportation
204 network company provides while the transportation network company
205 driver uses a personal vehicle in connection with a transportation
206 network company's digital network; and

207 (b) That the transportation network company driver's
208 own automobile insurance policy might not provide any coverage
209 while the driver is logged on to the transportation network
210 company's digital network and is available to receive
211 transportation requests or is engaged in a prearranged ride,
212 depending on its terms.

213 **SECTION 10.** (1) Insurers that write automobile insurance in
214 Mississippi may exclude any and all coverage afforded under the
215 policy issued to an owner or operator of a personal vehicle for
216 any loss or injury that occurs while a driver is logged on to a
217 transportation network company's digital network or while a driver
218 provides a prearranged ride. This right to exclude all coverage
219 may apply to any coverage included in an automobile insurance
220 policy including, but not limited to:

221 (a) Liability coverage for bodily injury and property
222 damage;

223 (b) Uninsured and underinsured motorist coverage;

224 (c) Medical payments coverage;

225 (d) Comprehensive physical damage coverage; and

226 (e) Collision physical damage coverage.



227 (2) The exclusions provided for in subsection (1) of this
228 section shall apply notwithstanding any requirement under the
229 Mississippi Motor Vehicle Safety Responsibility Law Section
230 63-15-1 et seq. Nothing in this section implies or requires that
231 a personal automobile insurance policy provide coverage while the
232 driver is logged on to the transportation network company's
233 digital network, while the driver is engaged in a prearranged ride
234 or while the driver otherwise uses a vehicle to transport
235 passengers for compensation. Nothing shall preclude an insurer
236 from providing coverage for the transportation network company
237 driver's vehicle, if it chooses to do so by contract or
238 endorsement.

239 (3) Automobile insurers that exclude the coverage described
240 in Section 8 of this act shall have no duty to defend or indemnify
241 any claim expressly excluded. Nothing in this act shall
242 invalidate or limit an exclusion contained in a policy including
243 any policy in use or approved for use in Mississippi prior to the
244 effective date of this act that excludes coverage for vehicles
245 used to carry persons or property for a charge or available for
246 hire by the public. An automobile insurer that defends or
247 indemnifies a claim against a driver that is excluded under the
248 terms of its policy, shall have a right of contribution against
249 other insurers that provide automobile insurance to the same
250 driver in satisfaction of the coverage requirements of Section 8
251 of this act at the time of loss.



252 (4) In a claims coverage investigation, transportation
253 network companies and any insurer providing coverage under Section
254 8 of this act shall cooperate to facilitate the exchange of
255 relevant information with directly involved parties and any
256 insurer of the transportation network company driver if
257 applicable, including the precise times that a transportation
258 network company driver logged on and off of the transportation
259 network company's digital network in the twelve-hour period
260 immediately preceding and in the twelve-hour period immediately
261 following the accident and disclose to one another a clear
262 description of the coverage, exclusions and limits provided under
263 any automobile insurance maintained under Section 8 of this act.

264 **SECTION 11.** Drivers shall be independent contractors and not
265 employees of the transportation network company if all of the
266 following conditions are met:

267 (a) The transportation network company does not
268 prescribe specific hours during which a transportation network
269 company driver must be logged into the transportation network
270 company's digital platform;

271 (b) The transportation network company imposes no
272 restrictions on the transportation network company driver's
273 ability to utilize digital platforms from other transportation
274 network companies;



275 (c) The transportation network company does not assign
276 a transportation network company driver a particular territory in
277 which to operate;

278 (d) The transportation network company does not
279 restrict a transportation network company driver from engaging in
280 any other occupation or business; and

281 (e) The transportation network company and
282 transportation network company driver agree in writing that the
283 driver is an independent contractor of the transportation network
284 company.

285 **SECTION 12.** (1) The transportation network company shall
286 implement a zero tolerance policy regarding a transportation
287 network company driver's activities while accessing the
288 transportation network company's digital platform. The zero
289 tolerance policy shall address the use of drugs or alcohol while a
290 transportation network company driver is providing prearranged
291 rides or is logged into the transportation network company's
292 digital network but is not providing prearranged rides, and the
293 transportation network company shall provide notice of this policy
294 on its website, as well as procedures to report a complaint about
295 a driver with whom a rider was matched and whom the rider
296 reasonably suspects was under the influence of drugs or alcohol
297 during the course of the trip.

298 (2) Upon receipt of such rider complaint alleging a
299 violation of the zero tolerance policy, the transportation network



300 company shall suspend such transportation network company driver's
301 access to the transportation network company's digital platform as
302 soon as possible, and shall conduct an investigation into the
303 reported incident. The suspension shall last the duration of the
304 investigation.

305 (3) The transportation network company shall maintain
306 records relevant to the enforcement of this requirement for a
307 period of at least two (2) years from the date that a rider
308 complaint is received by the transportation network company.

309 **SECTION 13.** (1) Before allowing an individual to accept
310 trip requests through a transportation network company's digital
311 platform as a transportation network company driver:

312 (a) The individual shall submit an application to the
313 transportation network company, which includes information
314 regarding his or her address, age, driver's license, motor vehicle
315 registration, automobile liability insurance, and other
316 information required by the transportation network company;

317 (b) The transportation network company shall conduct,
318 or have a third party conduct, a local and national criminal
319 background check for each applicant that shall include:

320 (i) Multistate/multijurisdiction criminal records
321 locator or other similar commercial nationwide database with
322 validation (primary source search); and

323 (ii) United States Department of Justice National
324 Sex Offender Public Website;



325 (2) The transportation network company shall review, or have
326 a third party review, a driving history research report for such
327 individual.

328 (3) The transportation network company shall not permit an
329 individual to act as a transportation network company driver on
330 its digital platform who:

331 (a) Has had more than three (3) moving violations in
332 the prior three-year period, or one (1) of the following major
333 violations in the prior three-year period:

334 (i) Attempting to evade the police;

335 (ii) Reckless driving; or

336 (iii) Driving on a suspended or revoked license;

337 (b) Has been convicted, within the past seven years, of

338 (i) Any felony; or

339 (ii) Misdemeanor driving under the influence,
340 reckless driving, hit and run, or any other driving-related
341 offense or any misdemeanor violent offense or sexual offense;

342 (c) Is a match in the U.S. Department of Justice
343 National Sex Offender Public Website;

344 (d) Does not possess a valid driver's license;

345 (e) Does not possess proof of registration for the
346 motor vehicle used to provide prearranged rides;

347 (f) Does not possess proof of automobile liability
348 insurance for the motor vehicle used to provide prearranged rides;

349 or



350 (g) Is not at least nineteen (19) years of age.

351 **SECTION 14.** A transportation network company driver shall
352 not solicit or accept street hails.

353 **SECTION 15.** The transportation network company shall adopt a
354 policy prohibiting solicitation or acceptance of cash payments for
355 the fares charged to riders for prearranged rides and notify
356 transportation network company drivers of the policy.

357 Transportation network company drivers shall not solicit or accept
358 cash payments from riders.

359 **SECTION 16.** (1) The transportation network company shall
360 adopt a policy of nondiscrimination with respect to riders and
361 potential riders and notify transportation network company drivers
362 of the policy.

363 (2) Transportation network company drivers shall comply with
364 all applicable laws regarding nondiscrimination against riders or
365 potential riders.

366 (3) transportation network company drivers shall comply with
367 all applicable laws relating to accommodation of service animals.

368 (4) A transportation network company shall not impose
369 additional charges for providing services to persons with physical
370 disabilities because of those disabilities.

371 **SECTION 17.** A transportation network company shall maintain
372 the following customer records:

373 (a) Individual trip records for at least one (1) year
374 from the date each trip was provided; and



375 (b) Individual records of transportation network
376 company driver customers at least until the one-year anniversary
377 of the date on which a transportation network company driver's
378 customer relationship with the transportation network company has
379 ended.

380 **SECTION 18.** (1) For the sole purpose of verifying that a
381 transportation network company is in compliance with the
382 requirements of this act and not more than annually, the
383 commissioner shall have the right to visually inspect a sample of
384 records that the transportation network company is required to
385 maintain. The sample shall include required records pertaining to
386 up to fifty (50) transportation network drivers, provided that the
387 transportation network company shall undertake best efforts not to
388 share records about the same transportation network company driver
389 during consecutive reporting periods. If, after this initial
390 review, the commissioner has a reasonable basis to conclude that
391 the transportation network company is not in compliance with the
392 requirements of this act, the commissioner may, upon reasonable
393 notice, conduct a supplemental audit of records for an additional
394 selection of transportation network company drivers. The audit
395 shall take place at a mutually agreed location in Mississippi.
396 The expenses of the examination shall be borne and paid by the
397 transportation network company that is under examination.

398 (2) Documents, materials or other information, including,
399 but not limited to, all working papers, and copies thereof,



400 created, produced or obtained by or disclosed to the commissioner
401 or any other person in the course of an examination made under
402 this act shall be confidential by law and privileged, and shall
403 not be subject to the Mississippi Public Records Act. The
404 commissioner is authorized to use the documents, materials or
405 other information in the furtherance of any regulatory or legal
406 action brought as part of the commissioner's official duties.

407 (3) In order to assist in the performance of the
408 commissioner's duties, the commissioner may share confidential and
409 privileged documents, materials or other information, with other
410 state, federal and international regulatory agencies, and with
411 state, federal and international law enforcement authorities,
412 provided that the recipient agrees to maintain the confidentiality
413 and privileged status of the document, material, communication or
414 other information. The commissioner may enter into agreements
415 governing the sharing and use of information consistent with this
416 subsection.

417 (4) No waiver of any applicable privilege or claim of
418 confidentiality in the documents, materials or information shall
419 occur as a result of disclosure to the commissioner under this
420 section or as a result of sharing as authorized in subsection (3)
421 of this section.

422 (5) In response to a specific complaint against any
423 transportation network company driver or transportation network
424 company, the commissioner is authorized to inspect records held by



425 the transportation network company that are necessary to
426 investigate and resolve the complaint.

427 **SECTION 19.** (1) Transportation network companies and
428 transportation network company drivers are governed exclusively by
429 this act and any rules promulgated by the commissioner consistent
430 with this act. A county, municipality or other local entity may
431 not:

432 (a) Impose a tax on, or require a license for, a
433 transportation network company, a transportation network company
434 driver or a vehicle used by a transportation network company
435 driver where the tax or licenses relate to providing prearranged
436 rides;

437 (b) Require a transportation network company or a
438 transportation network company driver to obtain a business license
439 or any other type of similar authorization to operate within the
440 jurisdiction; or

441 (c) Subject a transportation network company or a
442 transportation network company driver to any type of rate, entry,
443 operational or other requirements.

444 (2) Notwithstanding subsection (1) of this section, a
445 county, municipality or other local entity that owns or operates
446 an airport, may adopt reasonable regulations relating to the
447 duties and responsibilities on airport property of a
448 transportation network company or transportation network company
449 driver, including its ability to impose reasonable fees and



450 vehicle tracking requirements on a transportation network company
451 or its affiliated transportation network company drivers, but
452 excluding its ability to impose other fees, taxes, registration,
453 licensing or special insurance requirements on transportation
454 network company drivers, and excluding its ability to impose
455 requirements with respect to special markings or identification
456 other than that provided for in Section 6 of this act, and
457 excluding its ability to impose requirements for equipment.

458 **SECTION 20.** The commissioner may adopt rules and regulations
459 necessary to ensure compliance with this act.

460 **SECTION 21.** Section 63-15-43, Mississippi Code of 1972, is
461 amended as follows:

462 63-15-43. (1) A "motor vehicle liability policy" as * * *
463 the term is used in this chapter * * * means an owner's or an
464 operator's policy of liability insurance, certified as provided in
465 Section 63-15-39 or Section 63-15-41, as proof of financial
466 responsibility, and issued, except as otherwise provided in
467 Section 63-15-41, by an insurance company duly authorized to write
468 motor vehicle liability insurance in this state, to or for the
469 benefit of the person named * * * in the policy as insured.

470 (2) * * * The owner's policy of liability insurance:

471 (a) Shall designate by explicit description or by
472 appropriate reference all motor vehicles with respect to which
473 coverage * * * granted.



474 (b) Shall pay on behalf of the insured named * * * in
475 the policy and any other person, as insured, using any such motor
476 vehicle or motor vehicles with the express or implied permission
477 of * * * the named insured, all sums which the insured shall
478 become legally obligated to pay as damages arising out of the
479 ownership, maintenance or use of * * * the motor vehicle or motor
480 vehicles within the United States of America or the Dominion of
481 Canada, subject to limits exclusive of interest and costs, with
482 respect to each such motor vehicle, as follows: Twenty-five
483 Thousand Dollars (\$25,000.00) because of bodily injury to or death
484 of one (1) person in any one (1) accident and, subject to * * *
485 the limit for one (1) person, Fifty Thousand Dollars (\$50,000.00)
486 because of bodily injury to or death of two (2) or more persons in
487 any one (1) accident, and Twenty-five Thousand Dollars
488 (\$25,000.00) because of injury to or destruction of property of
489 others in any one (1) accident.

490 (3) * * * The operator's policy of liability insurance shall
491 pay on behalf of the insured named * * * in the policy all sums
492 which the insured shall become legally obligated to pay as damages
493 arising out of the use by him of any motor vehicle not owned by
494 him, within the same territorial limits and subject to the same
495 limits of liability as are set forth above with respect to an
496 owner's policy of liability insurance.

497 (4) * * * The motor vehicle liability policy shall state the
498 name and address of the named insured, the coverage afforded by



499 the policy, the premium charged * * * for the policy, the policy
500 period and the limits of liability, and shall contain an agreement
501 or be endorsed that insurance is provided * * * under the policy
502 in accordance with the coverage defined in this chapter as
503 respects bodily injury and death or property damage, or both, and
504 is subject to all the provisions of this chapter.

505 (5) * * * The motor vehicle liability policy shall not
506 insure:

507 (a) Any obligation for which the insured or any company
508 as his insurer may be held liable under any * * * workers'
509 compensation law;

510 (b) Any liability on account of bodily injury to or
511 death of any employee of the insured while engaged in the
512 employment, other than domestic, of the insured, or in domestic
513 employment if benefits therefor are either payable or required to
514 be provided under any * * * workers' compensation law; or

515 (c) Any liability because of injury to or destruction
516 of property owned by, rented to, in charge of or transported by
517 the insured.

518 (6) Every motor vehicle liability policy shall be subject to
519 the following provisions which need not be contained * * * in the
520 policy:

521 (a) The liability of the insurance company with respect
522 to the insurance required by this chapter shall become absolute
523 whenever injury or damage covered by said motor vehicle liability



524 policy occurs; * * * the policy may not be cancelled or annulled
525 as to * * * the liability by any agreement between the insurance
526 company and the insured after the occurrence of the injury or
527 damage; no statement made by the insured or on his behalf and no
528 violation of * * * the policy shall defeat or void * * * the
529 policy;

530 (b) The satisfaction by the insured of a judgment for
531 such injury or damage shall not be a condition precedent to the
532 right or duty of the insurance company to make payment on account
533 of such injury or damage;

534 (c) The insurance company shall have the right to
535 settle any claim covered by the policy, and if * * * the
536 settlement is made in good faith, the amount * * * of the
537 settlement shall be deductible from the limits of liability
538 specified in paragraph (b) of subsection (2) of this section; or

539 (d) The policy, the written application * * * the
540 policy, if any, and any rider or endorsement which does not
541 conflict with the provisions of the chapter shall constitute the
542 entire contract between the parties.

543 (7) Any policy which grants the coverage required for a
544 motor vehicle liability policy may also grant any lawful coverage
545 in excess of or in addition to the coverage specified for a motor
546 vehicle liability policy, and * * * the excess or additional
547 coverage shall not be subject to the provisions of this chapter.
548 With respect to a policy which grants such excess or additional



549 coverage, the term "motor vehicle liability policy" shall apply
550 only to that part of the coverage which is required by this
551 section.

552 (8) Any motor vehicle liability policy may provide that the
553 insured shall reimburse the insurance company for any payment the
554 insurance company would not have been obligated to make under the
555 terms of the policy except for the provisions of this chapter.

556 (9) Any motor vehicle liability policy may provide for the
557 prorating of the insurance * * * under the policy with other valid
558 and collectible insurance.

559 (10) The requirements for a motor vehicle liability policy
560 may be fulfilled by the policies of one or more insurance
561 companies which policies together meet * * * the requirements.

562 (11) Any binder issued pending the issuance of a motor
563 vehicle liability policy shall be deemed to fulfill the
564 requirements for * * * a policy.

565 (12) A motor vehicle policy that meets the provisions of
566 Section 8 of this act shall be deemed to satisfy the provisions of
567 this section.

568 **SECTION 22.** Section 77-7-5, Mississippi Code of 1972, is
569 amended as follows:

570 77-7-5. (1) Nothing in this chapter shall be construed to
571 relieve any person from the payment of any licenses, fees, taxes
572 or levies now or hereafter imposed by law.



573 (2) Nothing in this chapter shall apply to transportation
574 network companies or transportation network company drivers as
575 defined in Section 1 of this act or any activity regulated in
576 Sections 1 through 20 of this act.

577 (3) Neither this chapter nor any provision thereof shall
578 apply or be construed to apply to commerce with foreign nations,
579 or commerce among the several states of the union, except insofar
580 as the same may be permitted under the provisions of the
581 Constitution of the United States and the Acts of Congress.

582 **SECTION 23.** This act shall take effect and be in force from
583 and after July 1, 2016.

