



Ohio Revised Code

Section 3942.03 Exclusion of coverage.

Effective: March 23, 2016

Legislation: House Bill 237 - 131st General Assembly

(A) An insurer issuing an automobile insurance policy to the owner or operator of a personal vehicle may exclude any and all coverage afforded under the policy for any loss or injury that occurs while a transportation network company driver is logged on to a transportation network company's digital network or while the driver is providing transportation network company services. This right to exclude any and all coverage may apply to any coverage included in the automobile insurance policy, including all of the following:

- (1) Liability coverage for bodily injury and property damage;
- (2) Uninsured and underinsured motorist coverage described in section 3937.18 of the Revised Code;
- (3) Uninsured and underinsured motor vehicle property damage coverage described in section 3937.181 of the Revised Code;
- (4) Medical payments coverage;
- (5) Comprehensive physical damage coverage;
- (6) Collision physical damage coverage.

Any such exclusions shall apply notwithstanding any requirement under Chapter 4509. of the Revised Code.

(B)(1) An insurer providing an automobile insurance policy that excludes the coverage described in division (A) of this section shall have no duty to defend or indemnify any claim expressly excluded under the policy. Nothing in this chapter shall be construed to invalidate or limit a provision contained in an automobile insurance policy that excludes coverage for vehicles that are used to carry persons or property for a charge or that are available for hire by the public.



(2) If an insurer providing a policy of automobile insurance defends or indemnifies a claim against a transportation network company driver that is excluded under the terms of the policy, the insurer shall have a right of contribution against any other insurer that provides automobile insurance to the driver in satisfaction of the insurance coverage requirements of section 3942.02 of the Revised Code at the time of the loss.

(C)(1) Nothing in this chapter implies or requires that a personal automobile insurance policy provide coverage while a transportation network company driver is logged on to the transportation network company's digital network, while the driver is engaged in transportation network company services, or while the driver otherwise uses a vehicle to transport passengers for compensation.

(2) Nothing in this chapter shall be construed to preclude an insurer from providing coverage for a transportation network company driver's vehicle, if the insurer chooses to do so by contract or endorsement.

(D) In a claims coverage investigation, a transportation network company and any insurer providing automobile insurance pursuant to section 3942.02 of the Revised Code shall cooperate to facilitate the exchange of relevant information with directly interested parties and any personal insurer of the transportation network company driver, if applicable. The parties shall exchange, at minimum, the precise times that the transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the event resulting in the loss. The parties also shall disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained pursuant to section 3942.02 of the Revised Code and any other information reasonably necessary to determine insurance coverage.

(E)(1) Nothing in this chapter shall be construed to limit the right of a lender or secured party of a personal vehicle to require the transportation network company driver to maintain comprehensive or collision damage coverage, or both, or to show evidence of such coverage to the lender or secured party, for the personal vehicle during both of the following periods of time:

(a) When the driver is logged on to the transportation network company's digital network but is not



performing transportation network company services;

(b) When the driver is performing transportation network company services.

(2) If the driver fails to maintain the required comprehensive or collision damage coverage, or to show evidence to the lender or secured party of the coverage upon reasonable request by the lender or secured party, the lender or secured party may obtain the coverage at the expense of the driver without prior notice to the driver.

(F) If a transportation network company's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the transportation network company shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the vehicle.