e-Bikes, Scooters, Time-Sharing, and More, Oh My!

airbnb

lyft

Swimply

TURO

Uber

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DavidThompsonInsurance@gmail.com

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ABOUT ME

Grew up and live in Vero Beach, FL
Mercer University, Macon, GA
US Army and US Coast Guard officer for 8 years
10+ years retail agency
25 years FAIA, Tallahassee
Self-employed – Insurance education and consulting

DavidThompsonInsurance@gmail.com

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Subjects

- TNCs
- Car sharing
- Limes and Birds
- Boat clubs
- Time Shares
- E-bikes
- Rent my boat dock

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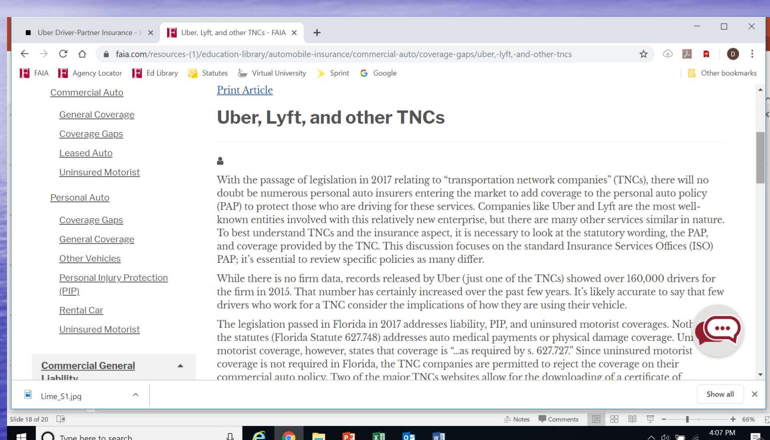
Transportation Network Companies


Uber Driver-Partner Insurance -
Uber, Lyft, and other TNCs - FAIA
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Commercial Auto
- General Coverage
- Coverage Gaps
- Leased Auto
- Uninsured Motorist

Personal Auto
- Coverage Gaps
- General Coverage
- Other Vehicles
- Personal Injury Protection (PIP)
- Rental Car
- Uninsured Motorist

Commercial General Liability

Print Article

Uber, Lyft, and other TNCs

With the passage of legislation in 2017 relating to "transportation network companies" (TNCs), there will no doubt be numerous personal auto insurers entering the market to add coverage to the personal auto policy (PAP) to protect those who are driving for these services. Companies like Uber and Lyft are the most well-known entities involved with this relatively new enterprise, but there are many other services similar in nature. To best understand TNCs and the insurance aspect, it is necessary to look at the statutory wording, the PAP, and coverage provided by the TNC. This discussion focuses on the standard Insurance Services Offices (ISO) PAP; it's essential to review specific policies as many differ.

While there is no firm data, records released by Uber (just one of the TNCs) showed over 160,000 drivers for the firm in 2015. That number has certainly increased over the past few years. It's likely accurate to say that few drivers who work for a TNC consider the implications of how they are using their vehicle.

The legislation passed in Florida in 2017 addresses liability, PIP, and uninsured motorist coverages. Noth the statutes (Florida Statute 627.748) addresses auto medical payments or physical damage coverage. Uni motorist coverage, however, states that coverage is "...as required by s. 627.727." Since uninsured motorist coverage is not required in Florida, the TNC companies are permitted to reject the coverage on their

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TNC Numbers

- As of Q3 2024, **Uber** had 7.8 million drivers and couriers on its platform. This is a 14.7% increase from the previous quarter.
- As of December 2024, **Lyft** had almost 2 million drivers in the United States and Canada. In 2023, 1.3 million Lyft drivers earned money on the platform

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TNCs

- Items in play:
  - PAP
  - State Statutes
  - Coverage provided by TNC

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TNC Terms

- Off line:
  - App not on
  - Available/Waiting For Ride Request
  - Enroute to pick up
  - Rider in car

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TNC – Florida Statutes Example 627.748

- On line, ride not accepted:
  - 50/100/25 required
- Ride accepted
  - $1 million liability
- Passenger car
  - $1 million liability

No reference to:

Med-pay
UM
Physical damage

8

8

Illinois Statutes
Chapter 625 -Vehicles § 57/10

- On line, ride not accepted:
  - 50/100/25 required
- Ride accepted & Passenger in car
  - $1 million liability
  - UM - $50,000

No reference to:

Med-pay
UM
Physical damage

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TNCs –PAP Coverage

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PAP - Exclusion

- 2005 Edition date:
  - 5. For that "insured's" liability arising out of the ownership or operation of a vehicle while it is being used as a public or livery conveyance. This Exclusion (A.5.) does not apply to a share-the-expense car pool.

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PAP - Exclusion

- 2018 Edition Date
  - 5. For that "insured's" liability arising out of the ownership or operation of a vehicle while it is being used as a public or livery conveyance. **This includes but is not limited to any period of time a vehicle is being used by any "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the vehicle.**

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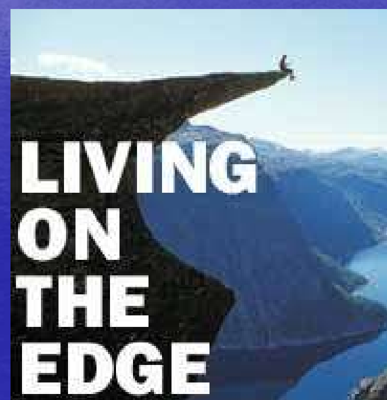
PAP Exclusion - Summary

- App on….
- …Coverage off!



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ISO Endorsements

ISO

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POLICY NUMBER: PERSONAL
PP 23 4

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

TRANSPORTATION NETWORK DRIVER COVERAGE (NO PASSENGER)

SCHEDULE

Transportation Network Platform(s)
1. Description Of Vehicle:
2. Description Of Vehicle:
3. Description Of Vehicle:

ISO pdf PP 23 45 0....pdf download.jpg Lime_S1.jpg

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POLICY NUMBER: PERSONAL AUTO
PP 23 45 09 18

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

LIMITED TRANSPORTATION NETWORK DRIVER COVERAGE (NO PASSENGER)

SCHEDULE

Transportation Network Platform(s)
1. Description Of Vehicle:
2. Description Of Vehicle:
3. Description Of Vehicle:

Once ride accepted, all coverage ceases.

download.jpg Lime_S1.jpg

Notes Comments

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Passenger in Car

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Passenger in Car

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TNC Coverage

Uber

- On line, ride not accepted
  - 50/100/25
  - **NO OTHER COVERAGES**
- Ride accepted/passenger
  - $1M liability
  - UM, PIP, Med-pay varies by state
  - "Contingent" physical damage, $2,500 deductible

Lyft

- On line, ride not accepted
  - 50/100/25
  - **NO OTHER COVERAGES**
- Ride accepted/passenger
  - $1M liability
  - "May" provide UM, PIP, med-pay
  - "Contingent" physical damage, $2,500 deductible.

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Lyft "Notes"

- *1 For covered accidents in Arizona and Nebraska, third-party liability insurance is $25,000/per person for bodily injury; $50,000/accident for bodily injury and $20,000/accident for property damage, consistent with state requirements. For rides originating in the five boroughs of New York City, as well as countrywide rides with livery and TCP drivers, Lyft does not procure any liability policy. TLC, livery and TCP drivers procure their own policy.*
-
- *2 For covered accidents in Maryland, Lyft maintains $125,000 for third-party liability insurance (combined single limits for bodily injury and property damage) during the time in which a driver is en route to pick up a passenger, consistent with state requirements. For rides originating in the five boroughs of New York City, as well as countrywide rides with livery and TCP drivers, Lyft does not procure any liability policy. TLC, livery and TCP drivers procure their own policy.*
-
- ** For rides originating in the five boroughs of New York City, as well as countrywide rides with livery and TCP drivers, Lyft does not procure any liability policy. TLC, livery and TCP drivers procure their own policy.*

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Uber Eats

UBER
EATS

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Uber Eats

- “Whether you are logged on or have accepted a rideshare[1] or delivery trip, Uber’s insurance meets—or exceeds—the required coverage.”
- No other details given.

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Other Delivery Services

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instacart

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Other Delivery Services

- Employee vs. non-employee
- ISO:
  - Public/livery
  - No reference to "carrying persons or property for compensation"
- Non-ISO:
  - Often specific exclusions for delivery

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TNCs – Underwriting/Claims

- Is your customer driving for a TNC?
  - Knowledge of agent is knowledge of the insurer
  - Has coverage been offered?
- Post-loss underwriting by adjuster

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Coverage for **You** as Passenger in TNC vehicle

FULL COVERAGE

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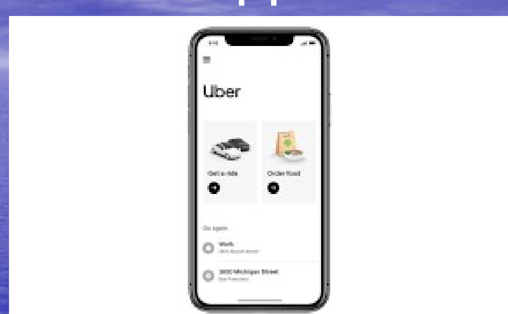
"Off The App Rides"



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Uber Not Liable: Driver Was Not Logged in at Time of Accident, Florida Court Says

January 3, 2025 by William Rabb

A Florida man may have been an occasional driver for Uber, the ride-hailing company, but he was not working at the time that he struck and killed his former girlfriend, and Uber is not liable for the wrongful death, a Florida appeals court said Thursday.

"Castillo was logged off the Uber app for nearly five months prior to the date of the accident and driving his own car after having completed a personal errand when the

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"Off The App Rides"

- The wrongful death suit stemmed from a tragic incident in 2017. Driver Orlando Baez Castillo had picked up his daughter from school and dropped her at Arlevys Molina's home. Molina was his former partner and the mother of his daughter, the court explained. As Castillo left the south Florida home, Molina reportedly ran into the street. Castillo's car was in reverse, and he struck and killed the woman.

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"Off The App Rides"

- "Castillo was logged off the Uber app for nearly five months prior to the date of the accident and driving his own car after having completed a personal errand when the accident occurred," a three-judge panel of Florida's 3rd District Court of Appeals wrote in the opinion. "Under this set of facts, the trial court correctly found no issue of material fact and correctly entered summary judgment in favor of Uber."
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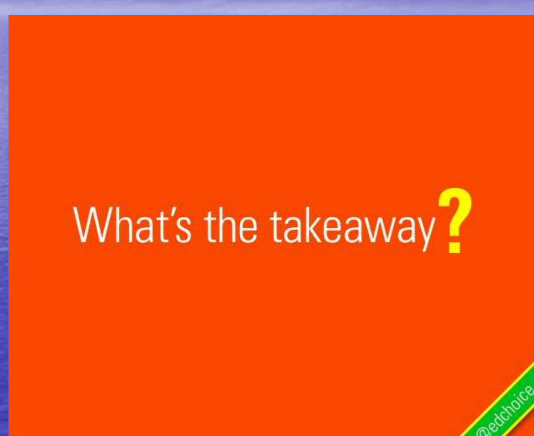
TNCs



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What is This?

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Las Vegas Truck and New Orleans Truck

- Officials say that the Ford 150 Lightning pickup truck used in the New Year's Day terrorist attack in New Orleans and the Tesla Cybertruck that exploded outside Trump International Hotel in Las Vegas <u>were separately rented by the men responsible for those crimes through the vehicle-sharing app Turo.</u>

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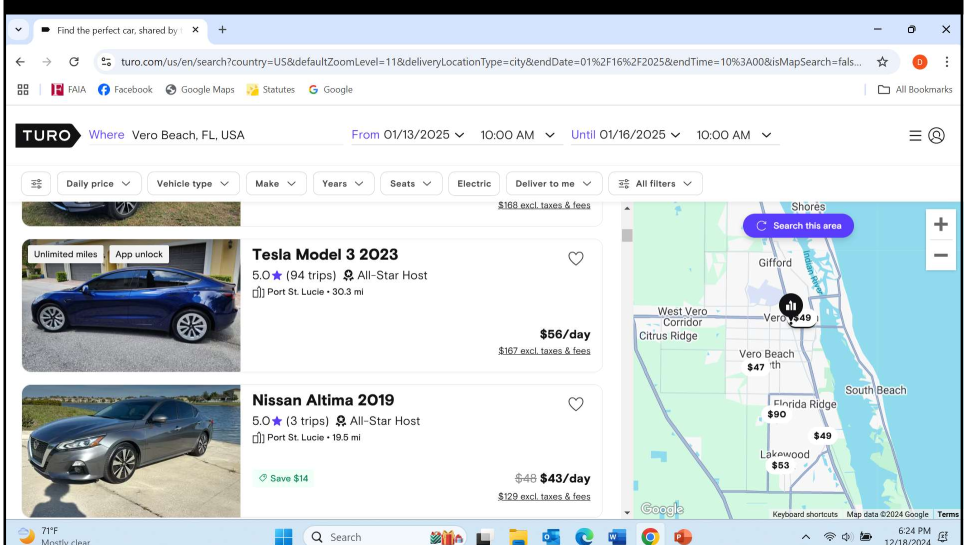

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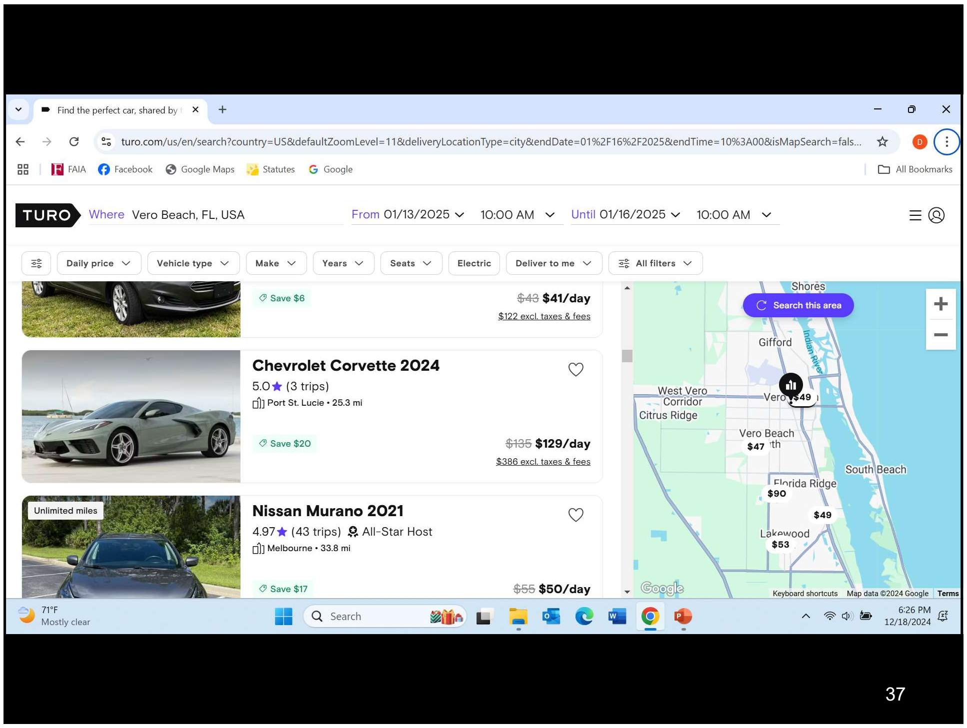
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$43 $41/day
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Chevrolet Corvette 2024
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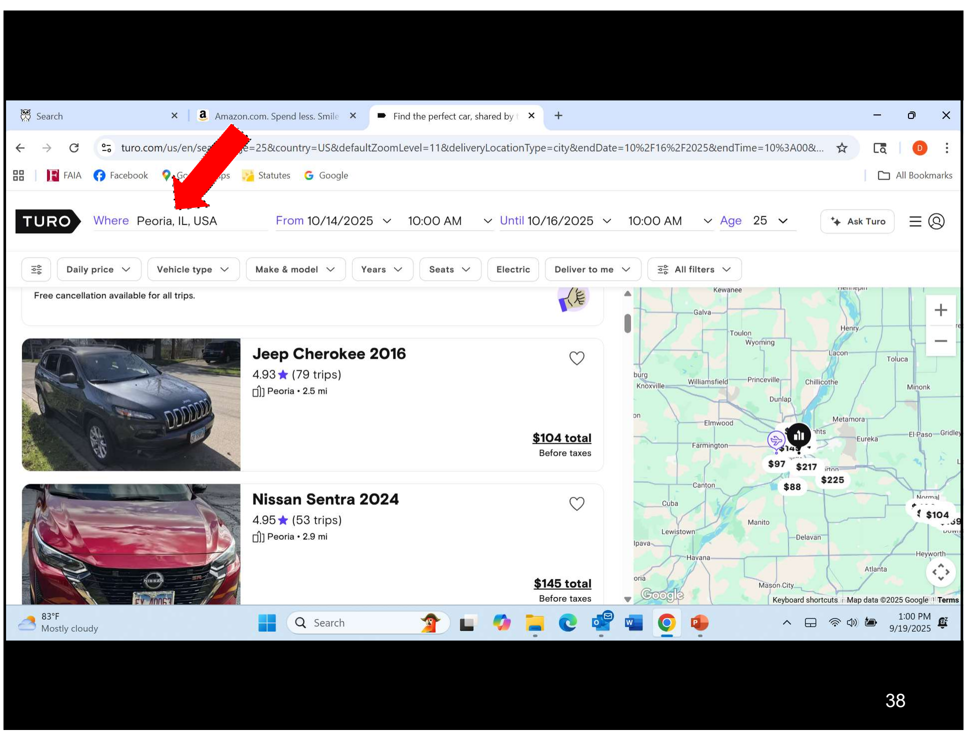
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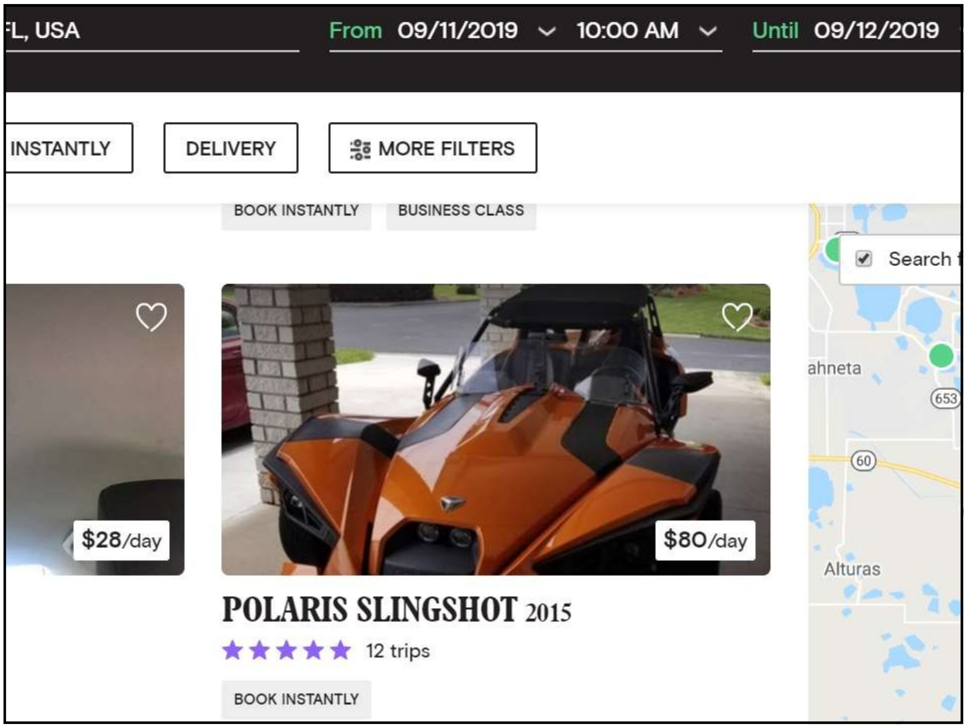
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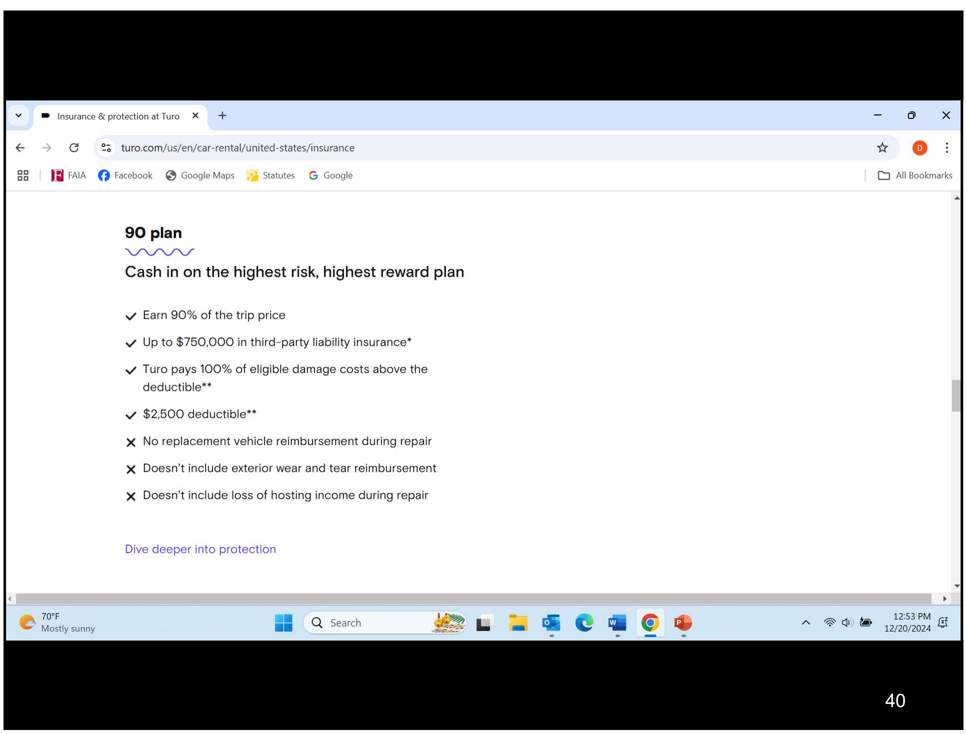
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Earn 90% of the trip price
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Doesn't include loss of hosting income during repair
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PAP Exclusion

Liability, Med-Pay, UM, Physical Damage

- 10. For the ownership, maintenance or use of "your covered auto" while:
- a. Enrolled in a personal vehicle sharing program under the terms of a written agreement; and
- b. Being used in connection with such personal vehicle sharing program by anyone other than you or any "family member".

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Your PAP is you Rent a Turo

- Liability: “Any auto”
  - Check non-ISO wording, GVW for example
- Med Pay: Same as liability
- PIP/UM: State specific
- Physical damage: Covers a “non-owned auto.” (Defined)
- Coverage is similar to renting a Hertz car or borrowing a vehicle

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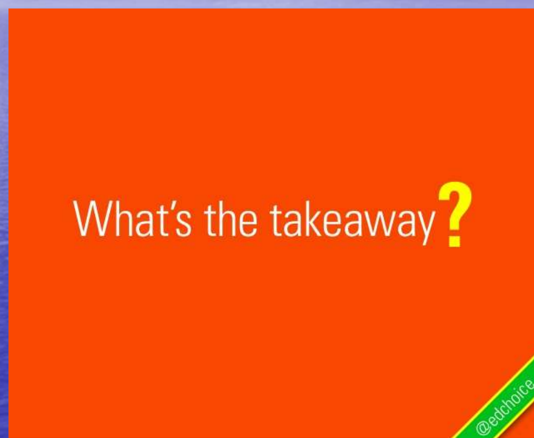
Turo



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Birds and Limes

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Birds and Limes

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City in New Jersey Shuts Down Scooter Program After Teenage Boy's Death

A New Jersey city has ended its electronic scooter pilot program after a teenage boy died while riding one.

Elizabeth's City Council voted Tuesday night to end the city's six-month Lime e-scooter program.

The vote came amid public outrage following the death of 16-year-old Nelson Miranda-Gomez. He was riding a scooter Nov. 20 when he was hit by a tow truck.

Councilman Nelson Gonzalez tells NJ.com that he deeply regrets the council's original vote to pass the pilot program.

Lime's senior director for government relations, Phil Jones, says the company is "disappointed" by the vote and remains :devastated by the loss of Nelson Gomez."

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Banning Scooters

- Unfortunately, while some have given this new mobility option an enthusiastic reception, others have bemoaned incidents of scooters blocking sidewalks, breaking traffic ordinances and causing accidents. In response, a number of cities, from West Hollywood, Calif., to Winston-Salem, N.C., are simply banning the scooters once they arrive. Others have proactively blocked scooter companies from introducing the service, such as Columbia, S.C., which enacted a one-year ban on the vehicles in January. And still others have started enacting a hodge-podge of regulations that put these vehicles at a relative disadvantage, such as allowing 16-year-olds to drive cars, but not scooters, or allowing scooter owners to ride at night, but not those using a scooter-sharing app.

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- Electric scooters usage has soared over the past few years, and with it, so has the rate of electric scooter accidents. <u>It's been reported that the national average for e-scooter accidents is 2.2 per 10,000 miles</u>. This statistic eclipses many other transportation methods; automobiles experience 0.1 accidents per 10,000 miles and motorcycles experience only 0.05 accidents per 10,000 miles.

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Wallace & Miller Law Firm

- And despite the perception of electric scooters being a “safer” method of transportation, statistics show that approximately half of all e-scooter injuries are severe. Over 25,000 emergency room visits in 2020 were a direct result of electric scooter accidents, and 71 fatalities have been recorded between 2017 and 2020.

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PAP - Liability

- B. We do not provide Liability Coverage for the ownership, maintenance or use of:
- 1. Any vehicle which:
- a. Has fewer than four wheels; or
- b. Is designed mainly for use off public roads.
- This exclusion **(B.1.)** does not apply:
- (1) While such vehicle is being used by an "insured" in a medical emergency;
- (2) To any "trailer" or
- (3) To any non-owned golf cart.

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PAP – Other Coverages

- Med-pay: Less than 4 wheels 
- PIP: State specific
- UM: State specific
  - Depends on facts
- Physical Damage: Not a "private passenger auto, pickup, or trailer" 

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Homeowners

- "Motor vehicle" means:
  - a. A self-propelled land or amphibious vehicle

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Homeowners

- 2. If Exclusion A.1. does not apply, there is still no coverage for "motor vehicle liability", unless the "motor vehicle" is:
- a. In dead storage on an "insured location";
- b. Used solely to service a residence;
- c. Designed to assist the handicapped and, at the time of an "occurrence", it is:
- (1) Being used to assist a handicapped person; or
- (2) Parked on an "insured location";
- d. **Designed** for recreational use off public roads and:
- (1) Not owned by an "insured";

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Solutions?

- Umbrella, maybe. RTFP!
- **Recreational Vehicle** means a motorized vehicle for use on land which does not require motor vehicle registration or operator licensing and which is not intended for use on public highways

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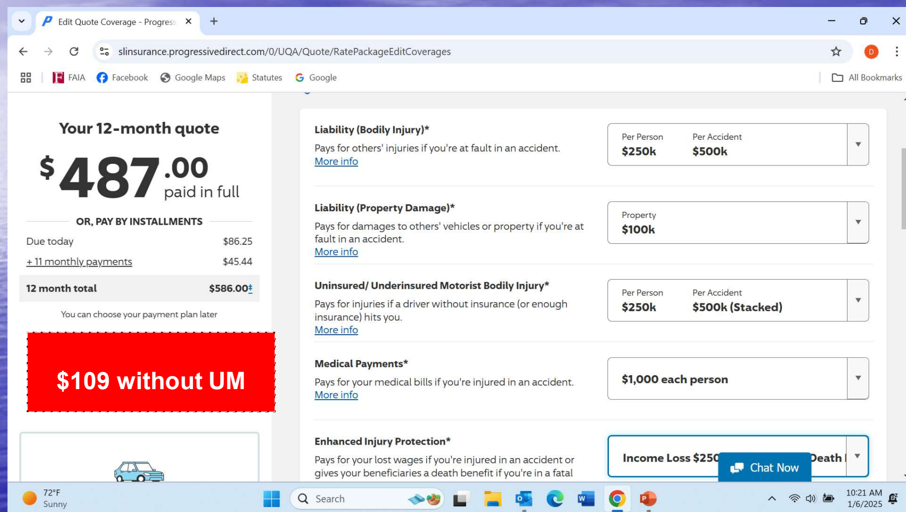
Scooters - Recommendations



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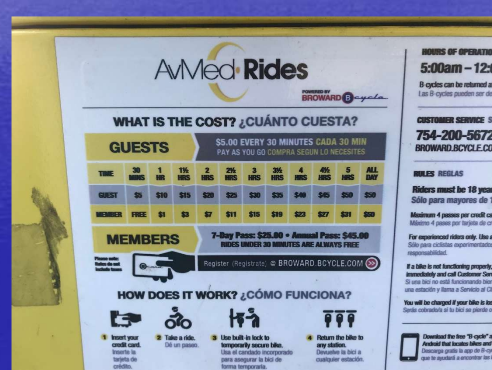
A Similar Situation



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Electric Bikes

- PAP Liability
- PAP Med-pay
- PAP PIP
- PAP UM
- PAP physical damage
- HO – Coverage C
- HO - Liability

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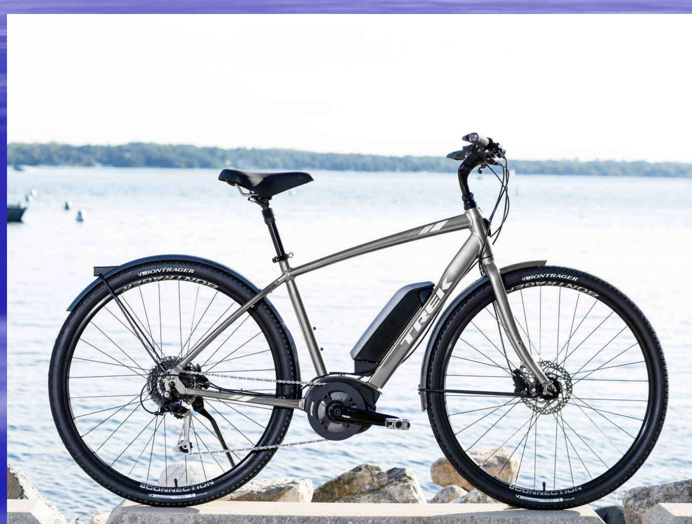
Motorized Bicycles and Motorized Scooters



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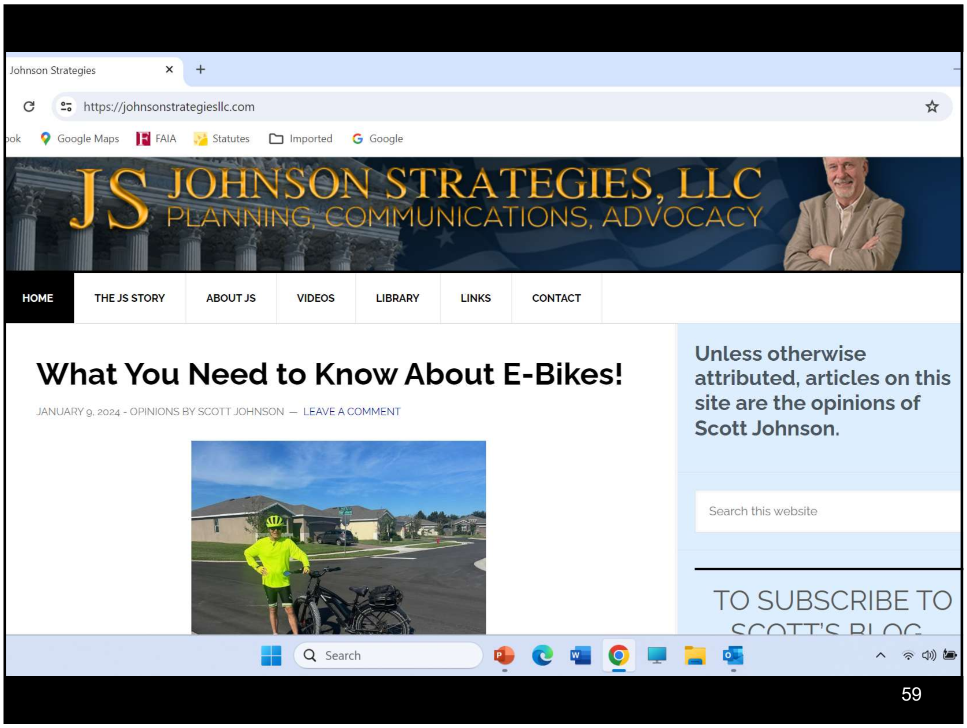
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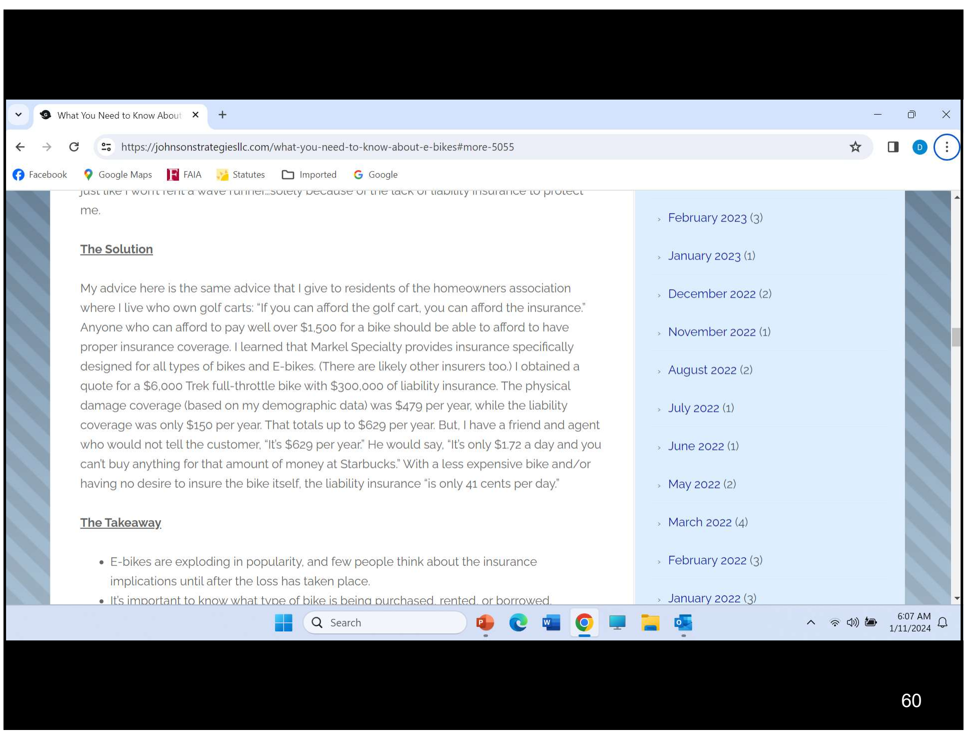
What You Need to Know About
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The Solution
My advice here is the same advice that I give to residents of the homeowners association where I live who own golf carts: "If you can afford the golf cart, you can afford the insurance." Anyone who can afford to pay well over $1,500 for a bike should be able to afford to have proper insurance coverage. I learned that Markel Specialty provides insurance specifically designed for all types of bikes and E-bikes. (There are likely other insurers too.) I obtained a quote for a $6,000 Trek full-throttle bike with $300,000 of liability insurance. The physical damage coverage (based on my demographic data) was $479 per year, while the liability coverage was only $150 per year. That totals up to $629 per year. But, I have a friend and agent who would not tell the customer, "It's $629 per year." He would say, "It's only $1.72 a day and you can't buy anything for that amount of money at Starbucks." With a less expensive bike and/or having no desire to insure the bike itself, the liability insurance "is only 41 cents per day."
The Takeaway
• E-bikes are exploding in popularity, and few people think about the insurance implications until after the loss has taken place.
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January 2023 (1)
December 2022 (2)
November 2022 (1)
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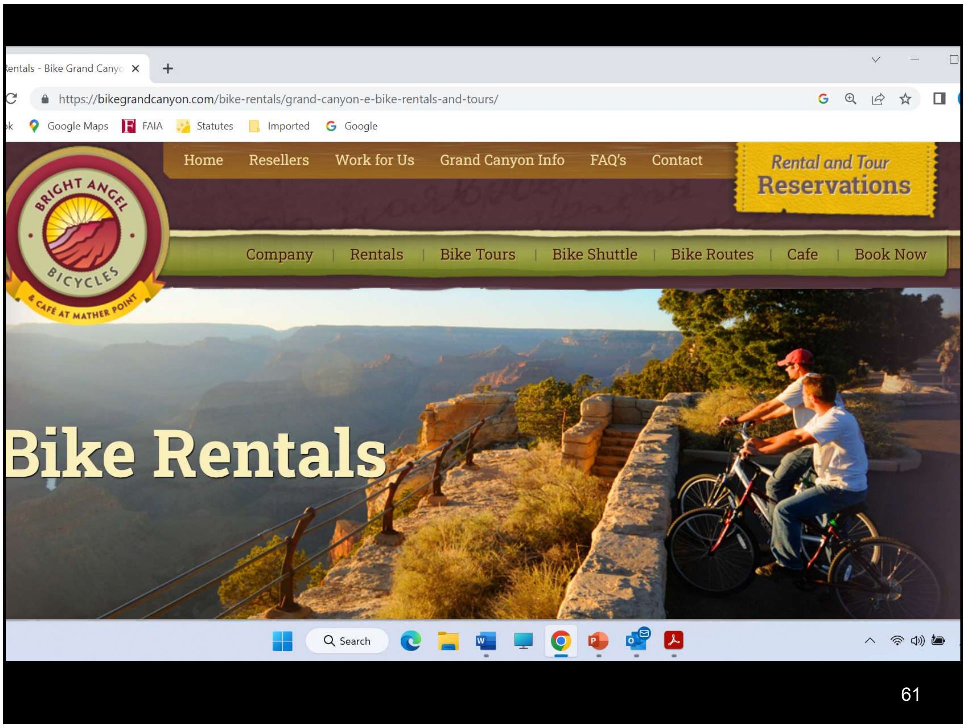
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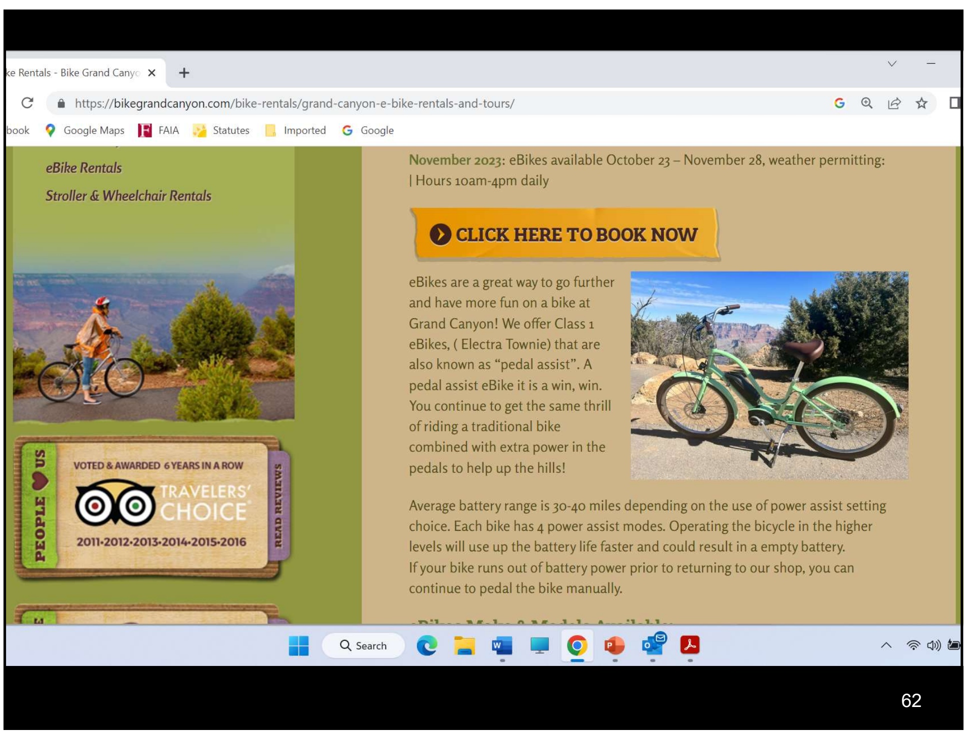
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Average battery range is 30-40 miles depending on the use of power assist setting choice. Each bike has 4 power assist modes. Operating the bicycle in the higher levels will use up the battery life faster and could result in a empty battery.
If your bike runs out of battery power prior to returning to our shop, you can continue to pedal the bike manually.
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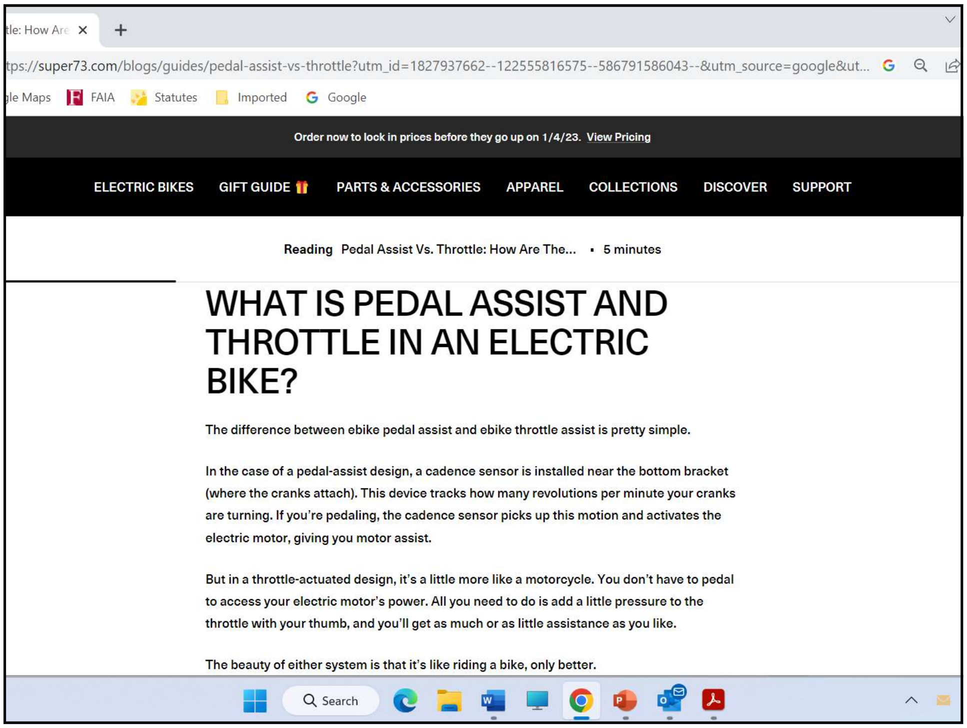
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ELECTRIC BIKES GIFT GUIDE PARTS & ACCESSORIES APPAREL COLLECTIONS DISCOVER SUPPORT

Reading Pedal Assist Vs. Throttle: How Are The... • 5 minutes

WHAT IS PEDAL ASSIST AND THROTTLE IN AN ELECTRIC BIKE?

The difference between ebike pedal assist and ebike throttle assist is pretty simple.

In the case of a pedal-assist design, a cadence sensor is installed near the bottom bracket (where the cranks attach). This device tracks how many revolutions per minute your cranks are turning. If you're pedaling, the cadence sensor picks up this motion and activates the electric motor, giving you motor assist.

But in a throttle-actuated design, it's a little more like a motorcycle. You don't have to pedal to access your electric motor's power. All you need to do is add a little pressure to the throttle with your thumb, and you'll get as much or as little assistance as you like.

The beauty of either system is that it's like riding a bike, only better.

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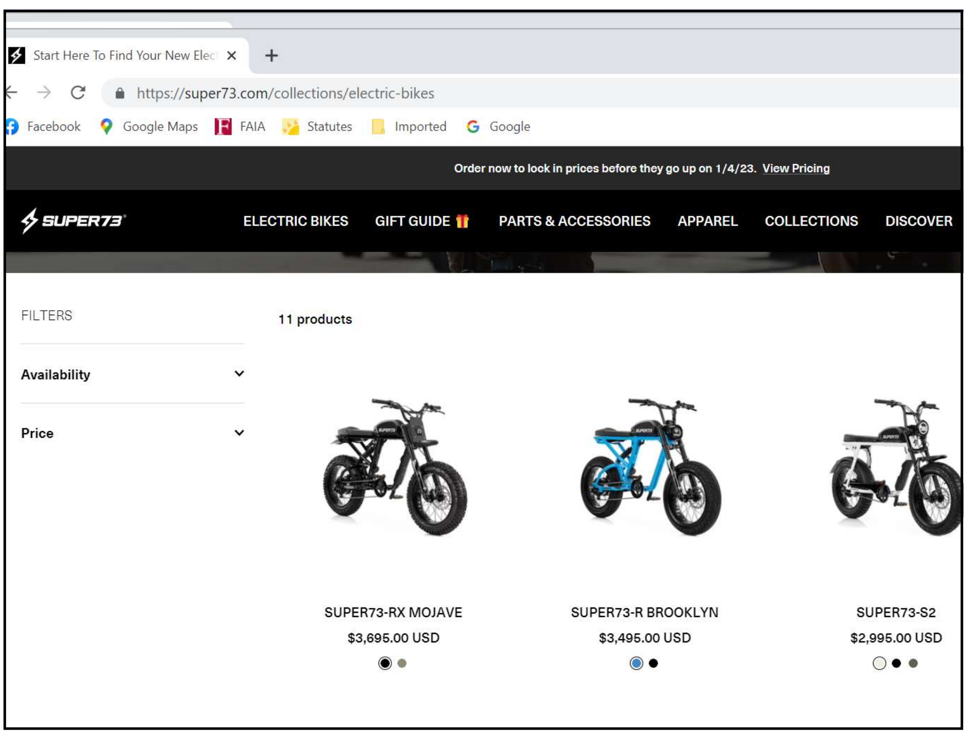
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Price

11 products

SUPER73-RX MOJAVE
$3,695.00 USD

SUPER73-R BROOKLYN
$3,495.00 USD

SUPER73-S2
$2,995.00 USD

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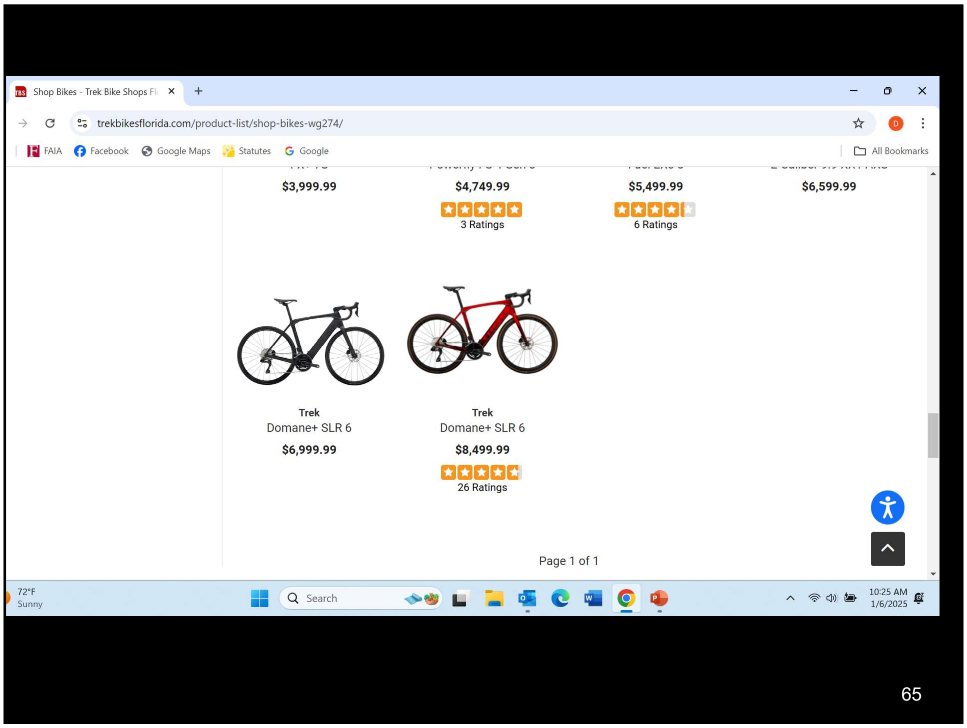

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ISO 2022 Program Motorized Bicycles and Motorized Scooters

- **<u>Introduction</u>**
- We are revising the definition of motor vehicle in our Homeowners base policy forms. In addition, we are revising a current endorsement and adding a new endorsement to address coverage related to certain types of recreational vehicles.

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Motorized Bicycles and Motorized Scooters

- **Background**
- In recent years, bicycles and scooters with motors, particularly but not exclusively electric motors, have become increasingly common, especially in urban areas. Motorized bicycles generally fall into two categories. Some are fully self-propelled by a motor. Others are what is known as pedal-assisted. Pedal-assisted bicycles, in general, are only occasionally propelled by an electric motor attached to the wheel or the hub of the bicycle, and usually require pedaling to initiate and/or continue the motion of the vehicle. Motorized scooters are generally propelled solely by their motors.

- **We believe that motorized bicycles and motorized scooters present hazards very similar t o those presented by other motor vehicles designed for recreational use and not generally subject to motor vehicle registration**. Therefore, we are making changes to address these vehicle's exposures in a similar manner, as well as giving insurers additional options in addressing these types of vehicles.

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Motorized Bicycles and Motorized Scooters

- **Explanation of Changes**
- To more explicitly express that motorized scooters and pedal-assisted motorized bicycles are included in our definition of motor vehicle, and hence provided coverage as specified for both owned and non-owned recreational vehicles under Section II - Liability Coverage of the policy, we are revising the definition of motor vehicle as follows:

- "Motor vehicle" means:
- **a.** A land or amphibious vehicle that is **or capable of being self-propelled;**

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New Company Exclusion

- The changes are as follows:
- 1. On page 1, under DEFINITIONS, a definition for "E-bike" has been added and reads:
  - *E-bike" means a bicycle or tricycle that can run on electric power **or** by pedaling.*

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Motorized Bicycles and Motorized Scooters

HO 2011 & Prior

- "Motor vehicle" means:
  - a. A self-propelled land or amphibious vehicle

HO-2022

- "Motor vehicle" means:
  - a. A land or amphibious vehicle that is self-propelled or **capable of being self-propelled**

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Motorized Bikes & Scooters Homeowners

- 2. If Exclusion A.1. does not apply, there is still no coverage for "motor vehicle liability", unless the "motor vehicle" is:
- a. In dead storage on an "insured location";
- b. Used solely to service a residence;
- c. Designed to assist the handicapped and, at the time of an "occurrence", it is:
- (1) Being used to assist a handicapped person; or
- (2) Parked on an "insured location";
- d. **Designed** for recreational use off public roads and:
- **(1) Not owned by an "insured";**

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Motorized Bikes & Scooters Homeowners – Damage to the Bike

- Coverage C: “We cover personal property owned or **used by** an insured”
- But… is it a “motor vehicle?”
- Liability won’t cover the bike: “CCC”

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Motorized Bikes & Scooters PAP

- Liability: Less than 4 wheels
- Med-pay: Less than 4 wheels
- PIP: State specific
- UM: State specific
    - Depends on facts
- Physical Damage: Not a "private passenger auto, pickup, or trailer

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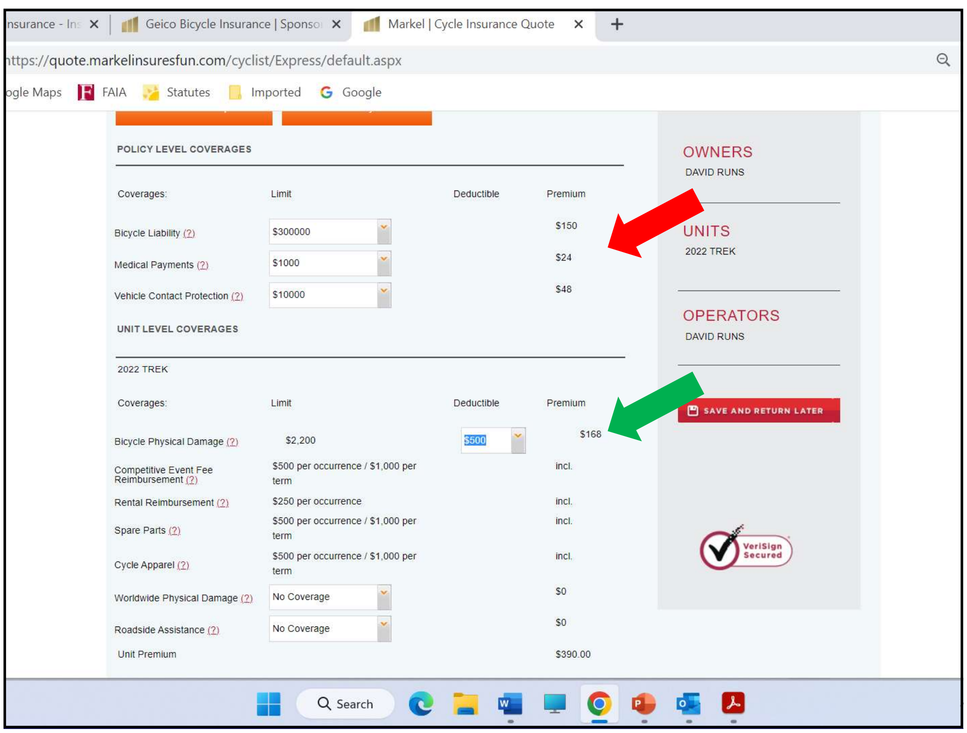

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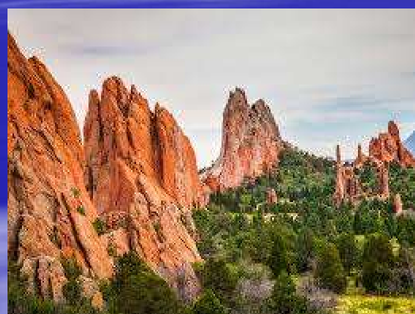
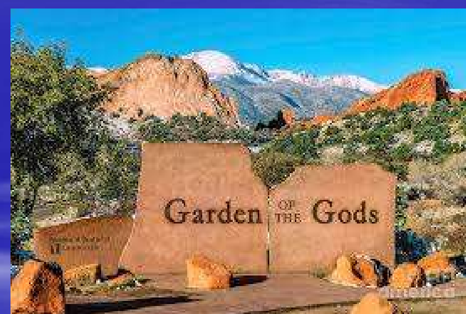
E-Bikes – Personal Experience





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Birds and Limes

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Timeshares

- The 2023 U.S. timeshare industry consisted of 1,524 timeshare resorts with approximately 200,530 timeshare units — an average of 132 units per resort
- Source: Resort Trades

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American Resort Development Association Data

- $10.5 Billion: Size of the Industry
- 1,541 timeshare resorts in the U.S., 201,600 units – 131 units per resort on average
- Comparable to the $10.3 billion in revenue for Major League Baseball and the $10.3 billion in revenue for the recorded music industry
- **9.9 Million: Number of U.S. Households That Own a unit**
- $23,940: Average Price of a Timeshare Transaction
- $73.1 Billion: Contribution to U.S. Economy
- 11.6 Million—Number of Nights Rented at Timeshare Resorts

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Types of Timeshares

- A **deeded timeshare** allows you to buy a fraction of a vacation property through a deed. You will share this piece of real estate with a number of other people. **Buyers are part of a fractional ownership with other owners**. For example, each deeded ownership may give an owner one-tenth interest in a private residence club. Though that might sound minimal, it can still be legitimate ownership.

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Types of Timeshares

- A **leased timeshare** arrangement differs from a deeded timeshare. Here, one entity owns the real estate property and is renting it out to those who buy into the timeshare arrangement. **Fractional ownership isn't tied to a deed**. Instead, this type of vacation club ownership is based on contract alone. Owners have a right to limited weekly stays in the property over a specified number of years.

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Deeded Timeshares

- Coverage C
  - *Our limit of liability for personal property* ***usually located*** *at an "insured's" residence, other than the "residence premises", is 10% of the limit of liability for Coverage* ***C,*** *or $1,500, whichever is greater*

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Deeded Timeshares

- Liability exclusion
  - *"Bodily injury" or "property damage" arising out of a premises:*
  - *a. Owned by an "insured"*
  - *b. Rented to an "insured" or*
  - *c. Rented to others by an "insured"*
  - *that is not an "insured location"*

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Deeded Timeshares "Insured Location"

- 10. "Insured location" means:
  - a. The "residence premises"
  - b. The part of other premises, other structures and grounds used by you as a residence; and
    - (1) Which is shown in the Declarations; or
    - (2) Which is acquired by you during the policy period for your use as a residence;
  - d. Any part of a premises:
    - (1) **Not owned by an "insured**" and
    - (2) Where an "insured" is temporarily residing;

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Deeded Timeshares

- Solutions:
  - Coverage C:
    - Increase the 10% limit if needed
  - Liability:
    - List location in declarations page
    - CPL/CGL

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Leased Timeshares

- Treat it just like a hotel rental for a week.
- Coverage C:
  - Full limit
- Liability:
  - No exclusion. It’s an ”insured location”
- Any part of a premises:
  - (1) **Not owned by an "insured"** and
  - (2) Where an "insured" is temporarily residing;

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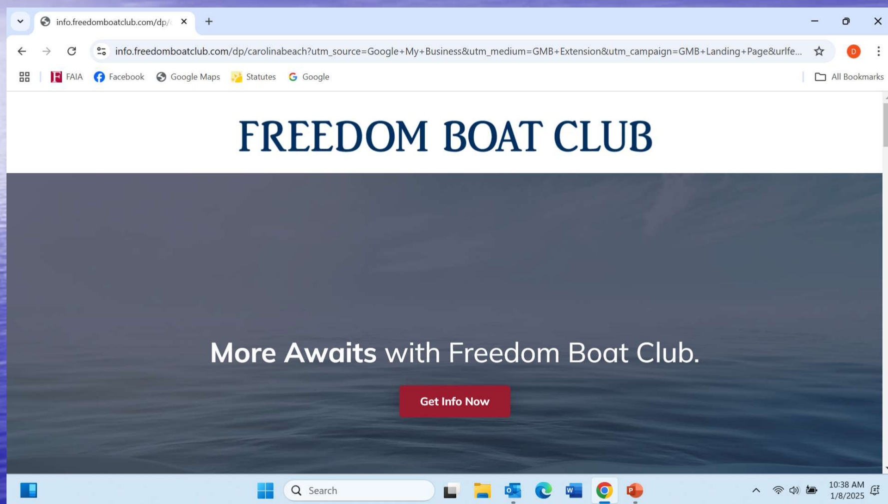
Boat Clubs



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Freedom Boat Club

- 90,000 members
- 5,000 boats in the fleet
- 400 locations worldwide
- "We take care of everything. We take care of the maintenance, cleaning, repair, insurance, and storage."

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Freedom Boat Club

- "We buy and maintain the boats."
  "You join the club."
- "You reserve a boat."
- "Get unlimited free towing."

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Insurance Provided by Freedom Boat Club

- RESPONSIBILITY FOR BOAT: The Member shall be solely and exclusively responsible for any loss or damage to FBC boat and accessory equipment from the time that such boat and accessory equipment is furnished to Member up to and including the time of its proper check in to FBC.
  By virtue of FBC's Hull & Machinery insurance coverage, in which each Member is an additional insured, a Member's liability to FBC is limited to the greater of either 2% of boat insured value or $2,500.00 for each covered claim (plus sales tax per boat per incident). Please note there is a separate $2,500.00 deductible for liability. **Total out-of-pocket risk to the member is $5,000 if both a hull/machinery AND liability claim are filed**.

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"FBC Plus Insurance"

- $395 per person, per year
  - Up to $350 total in annual benefits for "boating equipment" paid directly to cover minor damage such as propellers, anchors or attachments, bimini tops and/or canvas, life vests, throw cushions, dock lines, fenders or any other miscellaneous items used in the navigation and operation of FBC boats.

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"FBC Plus Insurance"

- $395 per person, per year
  - $500 Deductible! That's right... $500 deductible for up to two occurrences in your calendar year. The total aggregate of this benefit is a maximum of $5000, depending on the total amount of the potential two occurrences.

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Boat Club Key Points

- Boat not owned by the insured.
- Is the boat rented or borrowed?
- Coverage C for the boat limited to $1,500 to $2,000 depending on the policy.
- No liability coverage for damage to the boat itself. (CCC)

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Boat Club Key Points

- Liability for damage to third party BI/PD
- <u>Current ISO 2022 form</u>
  - Any rented or borrowed is covered
- <u>2011 versions and earlier</u>:
  - Any borrowed is covered
  - Any rented outboard is covered
  - Rented sailboat 26′ and under is covered
  - Rented inboard under 50hp is covered

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Final Questions?

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Conclude...

- E-mail me with questions

- DavidThompsonInsurance@gmail.com

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