

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2016 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 9, 2016

**HOUSE FILE 2329**

**H-8090**

1 Amend House File 2329 as follows:

2 1. Page 1, after line 28 by inserting:

3 <Sec. \_\_\_\_\_. APPLICABILITY. This Act applies to  
4 fetal body parts resulting from the termination of a  
5 fetus by an abortion performed or induced on or after  
6 the effective date of this Act.

7 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
8 being deemed of immediate importance, takes effect upon  
9 enactment.>

10 2. Title page, by striking lines 1 and 2 and  
11 inserting <An Act prohibiting certain actions regarding  
12 fetal body parts, providing penalties, and including  
13 effective date and applicability provisions.>

14 3. By renumbering as necessary.

**By** WINDSCHITL of Harrison

**H-8090** FILED MARCH 8, 2016

HOUSE FILE 2394

H-8088

1 Amend House File 2394 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 16.91, subsection 3, Code 2016,  
4 is amended to read as follows:

5 3. With the approval of the authority board the  
6 division and its board shall consult with the insurance  
7 division of the department of commerce in developing  
8 a guaranty contract acceptable to the secondary  
9 market and developing any other feature of the program  
10 with which the insurance division may have special  
11 expertise. ~~The insurance division shall establish the~~  
12 ~~amount for a loss reserve fund.~~ Except as provided in  
13 this subsection, the Iowa title guaranty program is not  
14 subject to the jurisdiction of or regulation by the  
15 insurance division or the commissioner of insurance.

16 Sec. \_\_\_\_ . NEW SECTION. 321N.1 Definitions.

17 As used in this chapter, unless the context  
18 otherwise requires:

19 1. "Digital network" means an online-enabled  
20 application, software, internet site, or system offered  
21 or utilized by a transportation network company that  
22 enables transportation network company riders to  
23 prearrange rides with transportation network company  
24 drivers.

25 2. "Personal vehicle" means a motor vehicle that  
26 is used by a transportation network company driver and  
27 is owned, leased, or otherwise authorized for use by  
28 the transportation network company driver. "Personal  
29 vehicle" does not include a taxicab, limousine, or  
30 other vehicle for hire.

31 3. "Prearranged ride" means the provision of  
32 transportation by a transportation network company  
33 driver to a transportation network company rider.  
34 A prearranged ride begins when a driver accepts a  
35 ride request from a rider through a digital network

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1 controlled by a transportation network company,  
2 continues while the driver transports the requesting  
3 rider, and ends when the last requesting rider departs  
4 from the driver's personal vehicle. A prearranged  
5 ride does not include transportation provided using a  
6 taxicab, limousine, or other vehicle for hire, or a  
7 shared expense carpool or vanpool arrangement.

8 4. "Transportation network company" or "company"  
9 means a corporation, partnership, sole proprietorship,  
10 or other entity that operates in this state and  
11 uses a digital network to connect transportation  
12 network company riders to transportation network  
13 company drivers who provide prearranged rides. A  
14 transportation network company is not deemed to  
15 control, direct, or manage a transportation network  
16 company driver that connects to its digital network,  
17 or the driver's personal vehicle, except as agreed to  
18 by the company and the driver pursuant to a written  
19 contract.

20 5. "Transportation network company driver" or  
21 "driver" means an individual who does all of the  
22 following:

23 a. Receives connections to potential transportation  
24 network company riders and other related services  
25 from a transportation network company in exchange for  
26 payment of a fee to the transportation network company.

27 b. Uses a personal vehicle to offer or provide  
28 prearranged rides to transportation network company  
29 riders upon connection through a digital network  
30 controlled by a transportation network company in  
31 return for compensation or payment of a fee.

32 6. "Transportation network company rider" or "rider"  
33 means an individual or group of individuals who use  
34 a transportation network company's digital network to  
35 connect with a transportation network company driver to

1 request a prearranged ride for the individual or group  
2 of individuals, and who receive the prearranged ride in  
3 the driver's personal vehicle between locations chosen  
4 by the individual or group of individuals.

5 Sec. \_\_\_\_\_. NEW SECTION. 321N.2 Exclusions ---- driver  
6 requirements.

7 1. A transportation network company, a  
8 transportation network company driver, or a personal  
9 vehicle used to provide a prearranged ride is not a  
10 motor carrier as defined in section 325A.1, private  
11 carrier as defined in section 325A.1, charter carrier  
12 as defined in section 325A.12, or common carrier.

13 2. Prior to permitting an individual to act  
14 as a transportation network company driver on a  
15 transportation network company's digital network, the  
16 company shall do all of the following:

17 a. Require the individual to submit an application  
18 to the company with the individual's name, address,  
19 and age, and with copies of the individual's driver's  
20 license, the registration for the personal vehicle the  
21 individual will use to provide prearranged rides, proof  
22 of financial responsibility covering the driver in the  
23 types and amounts required by section 321N.3, and any  
24 other information required by the company.

25 b. Conduct, or instruct a third party to conduct,  
26 a local and national criminal background check on the  
27 individual and a search of the national sex offender  
28 registry database for the individual.

29 c. Obtain and review a driving history research  
30 report on the individual.

31 3. A transportation network company shall not  
32 knowingly allow an individual to act as a driver on  
33 the company's digital network if any of the following  
34 apply:

35 a. The individual has been convicted of more than

1 three moving violations.

2 b. The individual has been convicted of violating  
3 section 321.218, 321.277, or 321J.21, or section  
4 321A.32, subsection 1, in the prior three-year period.

5 c. The individual has been convicted in the prior  
6 seven-year period of a felony, of violating section  
7 321J.2 or 321J.2A, or of any crime involving resisting  
8 law enforcement, dishonesty, injury to another person,  
9 damage to the property of another person, or operating  
10 a vehicle in a manner that endangers another person.

11 d. The individual is registered on the national sex  
12 offender registry.

13 e. The individual is unable to provide any  
14 information required by this section.

15 4. A transportation network company shall adopt and  
16 enforce a zero tolerance policy prohibiting the use of  
17 drugs or alcohol by a transportation network company  
18 driver while the driver is providing a prearranged ride  
19 or is logged on to the company's digital network and  
20 available to receive requests for transportation from  
21 potential riders. The policy shall include provisions  
22 providing for the investigation of alleged violations  
23 of the policy and the suspension of drivers under  
24 investigation.

25 5. A transportation network company shall require  
26 that a personal vehicle used to provide prearranged  
27 rides shall comply with all applicable motor vehicle  
28 equipment requirements.

29 Sec. \_\_\_\_ NEW SECTION. 321N.3 Financial  
30 responsibility.

31 1. A transportation network company driver, or a  
32 transportation network company on the driver's behalf,  
33 shall maintain primary automobile insurance that does  
34 all of the following:

35 a. Recognizes that the driver is a transportation

1 network company driver or that the driver otherwise  
2 uses a motor vehicle to transport passengers for  
3 compensation.

4 b. Covers the driver while the driver is logged on  
5 to the transportation network company's digital network  
6 and while the driver is engaged in a prearranged ride.

7 c. Covers the driver in the amounts set forth in  
8 subsections 2 and 3.

9 2. a. While a participating transportation network  
10 company driver is logged on to a transportation network  
11 company's digital network and is available to receive  
12 requests for a prearranged ride, but is not engaged  
13 in a prearranged ride, primary automobile insurance  
14 maintained pursuant to paragraph "c" shall cover the  
15 driver in the amount of at least fifty thousand dollars  
16 because of bodily injury to or death of one person in  
17 any one accident, the amount of at least one hundred  
18 thousand dollars because of bodily injury to or death  
19 of two or more persons in any one accident, and the  
20 amount of at least twenty-five thousand dollars because  
21 of injury to or destruction of property of others in  
22 any one accident.

23 b. The requirements of paragraph "a" shall be in  
24 addition to the automobile insurance requirements set  
25 forth in chapter 516A or any other provision of law.

26 c. The requirements of paragraph "a" may be  
27 satisfied by any of the following:

28 (1) Insurance maintained by the transportation  
29 network company driver.

30 (2) Insurance maintained by the transportation  
31 network company.

32 (3) A combination of subparagraphs (1) and (2).

33 3. a. While a transportation network company  
34 driver is engaged in a prearranged ride, primary  
35 automobile insurance maintained pursuant to paragraph

1 "c" shall cover the driver in the amount of at least  
2 one million dollars because of bodily injury to  
3 or death of one or more persons and injury to or  
4 destruction of property of others in any one accident.

5 b. The requirements of paragraph "a" shall be in  
6 addition to the automobile insurance requirements set  
7 forth in chapter 516A or any other provision of law.

8 c. The requirements of paragraph "a" may be  
9 satisfied by any of the following:

10 (1) Insurance maintained by the transportation  
11 network company driver.

12 (2) Insurance maintained by the transportation  
13 network company.

14 (3) A combination of subparagraphs (1) and (2).

15 4. If insurance maintained by a transportation  
16 network company driver under this chapter lapses or  
17 does not provide coverage in the amounts required  
18 by subsections 2 and 3, insurance maintained by a  
19 transportation network company shall provide coverage  
20 in the amounts required by subsections 2 and 3  
21 beginning with the first dollar of a claim, and the  
22 company shall have a duty to defend the claim.

23 5. Coverage under an automobile insurance policy  
24 maintained by a transportation network company under  
25 this chapter shall not be dependent on the insurer  
26 of a driver's personal vehicle first denying a claim,  
27 nor shall a personal automobile insurance policy be  
28 required to first deny a claim.

29 6. Insurance maintained under this chapter shall be  
30 provided by an insurer governed by chapter 515 or 518,  
31 or by a surplus lines insurer governed by chapter 515I.  
32 A surplus lines insurer that issues a policy pursuant  
33 to this section shall be considered an insurance  
34 carrier duly authorized to transact business in this  
35 state for the purposes of chapter 321A.

1 7. Insurance maintained under this chapter shall  
2 be deemed to satisfy the financial responsibility  
3 requirements for a motor vehicle under chapter 321A.

4 8. A transportation network company driver shall  
5 carry proof of financial liability coverage, as  
6 required by section 321.20B, in the amounts required  
7 by subsections 2 and 3, at all times during which the  
8 driver uses a motor vehicle in connection with the  
9 use of a transportation network company's digital  
10 network. In the event of an accident, the driver  
11 shall provide proof of financial liability coverage to  
12 any directly interested party or insurer, and to any  
13 investigating police officer, upon request and in a  
14 format provided for under section 321.20B. Upon such a  
15 request, the driver shall also disclose to any directly  
16 interested party or insurer, and to any investigating  
17 police officer, whether the driver was logged on  
18 to a company's digital network or was providing a  
19 prearranged ride at the time of the accident.

20 Sec. \_\_\_\_ . NEW SECTION. 321N.4 Disclosure  
21 requirements.

22 A transportation network company shall disclose  
23 all of the following information to a transportation  
24 network company driver in writing before the driver may  
25 accept a request from a rider for a prearranged ride on  
26 the company's digital network:

27 1. The types, amounts, terms, and limits of  
28 automobile insurance provided by the company to the  
29 driver while the driver uses a personal vehicle in  
30 connection with the use of the company's digital  
31 network.

32 2. That the driver's own automobile insurance  
33 policy, depending on the policy's terms, may not  
34 provide any coverage while the driver is logged on  
35 to the company's digital network and is available to

1 receive requests for a prearranged ride, or while the  
2 driver is engaged in a prearranged ride.

3 Sec. \_\_\_\_ NEW SECTION. 321N.5 Insurers.

4 1. a. Notwithstanding any other provision of law  
5 to the contrary, an insurer that writes automobile  
6 insurance within this state may exclude any and all  
7 coverage afforded to an insured person under a policy  
8 issued to the owner or operator of a personal vehicle  
9 for any injury or loss that occurs while the insured  
10 is logged on to a transportation network company's  
11 digital network or while the insured is providing a  
12 prearranged ride. This right to exclude coverage  
13 may apply to any type of coverage provided for in  
14 the insured's policy, including but not limited to  
15 liability coverage for bodily injury and property  
16 damage, personal injury protection coverage, uninsured  
17 and underinsured motorist coverage, medical payments  
18 coverage, comprehensive physical damage coverage, and  
19 collision physical damage coverage.

20 b. This chapter shall not be construed to require  
21 an insurer to provide coverage to an individual while  
22 the individual is logged on to a company's digital  
23 network, is engaged in a prearranged ride, or is  
24 otherwise transporting another individual or group of  
25 individuals in a vehicle for compensation.

26 c. This chapter shall not be construed to preclude  
27 an insurer from providing coverage for a transportation  
28 network company driver's personal vehicle, if the  
29 insurer chooses to do so by contract or endorsement.

30 2. a. An insurer that excludes coverage pursuant  
31 to subsection 1 shall not have a duty to defend or  
32 indemnify a claim expressly excluded from a policy  
33 issued by the insurer. This chapter shall not be  
34 deemed to invalidate or limit an exclusion contained  
35 in a policy, including a policy in use or approved for

1 use in this state prior to the effective date of this  
2 Act, that excludes coverage for vehicles used to carry  
3 individuals or property for compensation or vehicles  
4 available for hire by the public.

5 b. An insurer that defends or indemnifies a claim  
6 against an insured transportation network company  
7 driver that is excluded under the terms of the driver's  
8 policy shall have a right of action for contribution  
9 or indemnity against an insurer providing automobile  
10 insurance to the driver under this chapter during the  
11 period in which the loss occurred.

12 3. In a claims coverage investigation, any involved  
13 transportation network company and any insurer  
14 providing coverage pursuant to this chapter shall  
15 cooperate to facilitate the exchange of relevant  
16 information with parties directly involved in the  
17 claim, and with any insurer of the transportation  
18 network company driver, where applicable, including  
19 but not limited to the precise times during which the  
20 driver logged on and off of the company's digital  
21 network in the twelve-hour period immediately preceding  
22 and in the twelve-hour period immediately following  
23 the accident, and shall disclose to one another a  
24 clear description of any relevant automobile insurance  
25 provided pursuant to this chapter, including any  
26 applicable limits and exclusions.

27 Sec. \_\_\_\_\_. Section 325A.1, subsections 6, 7, and 13,  
28 Code 2016, are amended to read as follows:

29 6. "Motor carrier" means a person defined in  
30 subsection 8, 9, or 10, but does not include a  
31 transportation network company or a transportation  
32 network company driver, as defined in section 321N.1.

33 7. "Motor carrier certificate" means a certificate  
34 issued by the department to any person transporting  
35 passengers on any highway of this state for hire,

1 other than a transportation network company or a  
2 transportation network company driver, as defined in  
3 section 321N.1. This certificate is transferable.

4 13. "Private carrier" means a person who provides  
5 transportation of property or passengers by motor  
6 vehicle, is not a for-hire motor carrier or a  
7 transportation network company or a transportation  
8 network company driver, as defined in section 321N.1,  
9 or who transports commodities of which the person is  
10 the owner, lessee, or bailee and the transportation  
11 is a furtherance of the person's primary business or  
12 occupation.

13 Sec. \_\_\_\_\_. Section 325A.11, Code 2016, is amended to  
14 read as follows:

15 325A.11 Passenger transportation.

16 In addition to the requirements of subchapter 1,  
17 motor carriers of passengers and charter carriers shall  
18 comply with the requirements of this subchapter. A  
19 transportation network company or a transportation  
20 network company driver, as defined in section 321N.1,  
21 need not comply with the requirements of subchapter 1  
22 or this subchapter.

23 Sec. \_\_\_\_\_. Section 325A.12, subsection 3, Code 2016,  
24 is amended by adding the following new paragraph:

25 NEW PARAGRAPH. e. A transportation network company  
26 or a transportation network company driver, as defined  
27 in section 321N.1.

28 Sec. \_\_\_\_\_. Section 327D.1, Code 2016, is amended to  
29 read as follows:

30 327D.1 Applicability of chapter.

31 This chapter applies to intrastate transportation  
32 by for-hire common carriers of persons and property.  
33 However, this chapter does not apply to regular route  
34 motor carriers of passengers or charter carriers, as  
35 defined under section 325A.12, or a transportation

1 network company or a transportation network company  
2 driver, as defined in section 321N.1.>

3 2. Page 10, after line 10 by inserting:

4 <Sec. \_\_\_\_\_. APPLICABILITY OF TRANSPORTATION NETWORK  
5 COMPANY INSURANCE PROVISIONS. The section of this  
6 Act enacting section 321N.3 shall apply on and after  
7 the date of approval of the form filings necessary  
8 to implement section 321N.3 by the commissioner of  
9 insurance as required under 191 IAC 20.4.>

10 3. Title page, line 2, after <commerce,> by  
11 inserting <involving financial regulation of  
12 transportation network companies including insurance  
13 requirements,>

14 4. Title page, line 3, after <penalties> by  
15 inserting <and applicability provisions>

By PETTENGILL of Benton

HOUSE FILE 2429

H-8087

- 1 Amend House File 2429 as follows:  
2 1. By striking page 1, line 1, through page 2, line  
3 33.  
4 2. Page 4, line 29, by striking <division of this>  
5 3. Title page, by striking line 1 and inserting <An  
6 Act concerning>  
7 4. Title page, line 2, by striking <and gambling>  
8 and inserting <gambling>  
9 5. By renumbering as necessary.

By OLSON of Polk

H-8087 FILED MARCH 8, 2016

SENATE FILE 453

H-8086

- 1 Amend Senate File 453, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 2, by striking <2015> and inserting  
4 <2016>  
5 2. Page 1, line 31, by striking <2015> and  
6 inserting <2016>  
7 3. Page 1, line 32, by striking <subsection> and  
8 inserting <subsections>  
9 4. Page 1, before line 33 by inserting:  
10 <NEW SUBSECTION. 24A. "Managing pharmacy" means  
11 a licensed pharmacy that oversees the activities of a  
12 telepharmacy site.>  
13 5. Page 2, before line 1 by inserting:  
14 <NEW SUBSECTION. 40B. "Telepharmacy site" means  
15 a licensed pharmacy that is operated by a managing  
16 pharmacy and staffed by one or more qualified certified  
17 pharmacy technicians where pharmaceutical care  
18 services, including the storage and dispensing of  
19 prescription drugs, drug regimen review, and patient  
20 counseling, are provided by a licensed pharmacist  
21 through the use of technology.  
22 Sec. \_\_\_\_\_. Section 155A.13, subsection 3, Code 2016,  
23 is amended to read as follows:  
24 3. a. The board may issue a special or limited-use  
25 pharmacy license based upon special conditions of  
26 use imposed pursuant to rules adopted by the board  
27 for cases in which the board determines that certain  
28 requirements may be waived.  
29 b. The board shall adopt rules for the issuance  
30 of a special or limited-use pharmacy license to a  
31 telepharmacy site. The rules shall address:  
32 (1) Requirements for establishment and operation  
33 of a telepharmacy site, including but not limited  
34 to physical requirements and required policies and  
35 procedures.

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- 1 (2) Requirements for being a managing pharmacy.
- 2 (3) Requirements governing operating agreements
- 3 between telepharmacy sites and managing pharmacies.
- 4 (4) Training and experience required for certified
- 5 pharmacy technicians working at a telepharmacy site.
- 6 (5) Requirements for a pharmacist providing
- 7 services to and supervising a telepharmacy site.
- 8 (6) Any other health and safety concerns associated
- 9 with a telepharmacy site.
- 10 c. The board shall issue a special or limited-use
- 11 pharmacy license to a telepharmacy site that meets the
- 12 minimum requirements established by the board by rule.>
- 13 6. Page 2, line 1, by striking <2015> and inserting
- 14 <2016>
- 15 7. Page 7, line 22, by striking <2015> and
- 16 inserting <2016>
- 17 8. Page 8, line 3, by striking <2015> and inserting
- 18 <2016>
- 19 9. By renumbering as necessary.

**By** BEST of Carroll

**H-8086** FILED MARCH 8, 2016

**SENATE FILE 2185**

**H-8089**

- 1 Amend the amendment, H-8080, to Senate File 2185, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, after line 7 by inserting:
- 4 <\_\_. Title page, line 3, by striking <providing
- 5 penalties> and inserting <modifying penalties for
- 6 invasion of privacy>>

**By** HEARTSILL of Marion

**H-8089** FILED MARCH 8, 2016