

365.532 Motor vehicle liability insurance -- Requirements -- Conditions -- Proof of coverage required -- Claims.

- (1) A delivery network company shall ensure that, during the delivery available period, if applicable, and delivery service period, primary motor vehicle liability insurance coverage is in place that:
 - (a) Recognizes that the driver is a delivery network driver; or
 - (b) Does not exclude coverage for use of the motor vehicle to provide delivery services.
- (2) The delivery network driver, delivery network company, or any combination of the two (2) shall maintain a motor vehicle liability insurance policy that provides the coverage required under KRS 304.39-080 during the delivery available period and delivery service period in amounts not less than:
 - (a) For bodily injury and property damage to third parties:
 1. Fifty thousand dollars (\$50,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of bodily injury sustained by any one (1) person as a result of any one (1) accident;
 2. One hundred thousand dollars (\$100,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of bodily injury sustained by all persons as a result of any one (1) accident; and
 3. Twenty-five thousand dollars (\$25,000) or the amount required under KRS 304.39-110(1)(a)1., whichever is greater, for all damages arising out of damage to or destruction of property as a result of any one (1) accident; and
 - (b) For basic reparation benefits, the amount set forth in KRS 304.39-020(2).
- (3) If the insurance coverage maintained by a delivery network driver in accordance with subsections (1) and (2) of this section has lapsed or does not provide the required coverage, insurance maintained by the delivery network company shall:
 - (a) Provide the coverage required by subsections (1) and (2) of this section beginning with the first dollar of a claim; and
 - (b) Have the duty to defend a claim made under the coverage provided under paragraph (a) of this subsection.
- (4) Coverage under a motor vehicle liability insurance policy maintained by a delivery network company shall not be dependent upon another motor vehicle liability insurer first denying a claim nor shall another motor vehicle liability insurance policy be required to first deny a claim.
- (5) The insurance coverage required by this section may be obtained from:
 - (a) An insurer duly licensed or authorized to transact business under the insurance laws of this state; or
 - (b) A surplus lines broker licensed under KRS 304.10-120.
- (6) (a) A delivery network driver shall carry proof of the insurance required under subsections (1) and (2) of this section at all times while using a personal

vehicle in connection with a digital network.

- (b) In the event of an accident, a delivery network driver or delivery network company shall, upon request, provide the following to directly interested parties, motor vehicle liability insurers, claimants, claimants' counsel, and investigating law enforcement officers:
 - 1. Information about the insurance coverage maintained under subsections (1) and (2) of this section; and
 - 2. Whether the driver was operating during a delivery available period or delivery service period at the time of the accident.
 - (c) Information about the insurance coverage maintained under subsections (1) and (2) of this section may be displayed or provided in either paper or electronic format as provided in KRS 304.39-117.
- (7) In a claims coverage investigation:
- (a) A delivery network company or its insurer shall:
 - 1. Cooperate with all insurers that are involved with the claims coverage investigation to facilitate the exchange of information; and
 - 2. Immediately provide, upon request by directly interested parties, claimants, claimants' counsel, or any insurer, the precise times that a delivery network driver began and ended any delivery available periods and delivery service periods on the delivery network company's digital network in the twenty-four (24) hour period both immediately preceding the accident and immediately following the accident; and
 - (b) Insurers potentially providing the coverage required under this section shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any motor vehicle liability insurance maintained to satisfy the requirements of this section.
- (8) The insurer or insurers of a delivery network company providing coverage under subsections (1) and (2) of this section shall assume primary liability for a claim if:
- (a) A dispute exists as to when a delivery available period or delivery service period began or ended; and
 - (b) The delivery network company does not have available, did not retain, or fails to provide the information required under subsection (7)(a) of this section.

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Legislative Research Commission Note (1/1/2025). 2024 Ky. Acts ch. 13, sec. 6, provides that this statute shall apply to motor vehicle liability insurance policies issued or renewed on or after January 1, 2025.