

Amendment to AB 523

Proposed by: Nevada Justice Association & Uber

EXPLANATION: Matter in (1) blue bold italics is *new language* in the original bill (2) variations of green bold underlining is language proposed to be added by amendment; (3) red strikethrough is ~~deleted language~~; and (4) purple strikethrough is ~~language proposed to be deleted in this amendment~~;

Sec. 2. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A delivery network company is not vicariously liable for any act or omission of a driver that harms a person or property under any theory of liability or duty of care.

2. A delivery network company shall not be deemed to ~~not~~ control, direct or manage a driver or the personal ~~motor~~ vehicle of a driver.

3. The provisions of this section apply only to a delivery network company that ~~maintained~~ a casualty an automobile insurance policy, in force on the date of the incident giving rise to an action, in an amount of not less than \$1,000,000, that insured delivery network company drivers for liability to third parties during the delivery service period. ~~for any potential liability to a third party while a driver is providing delivery services.~~

4. This section does not:

~~_____ (a) Alter~~ alter or preclude any other theory of liability against a delivery network company or duty of care owed by a delivery network company to the extent available and proven under the law. ~~;~~ ~~or~~

~~_____ (b) Preclude any remedy or cause of action a person may have against a delivery network company under any other provision of law.~~

5. As used in this section:

(a) “Delivery network company customer” or “customer” means a person who orders the delivery of goods, where the delivery network driver delivers such goods at the direction of the customer. ~~“Customer” means a person who places an order for the delivery of an item through the digital network of a delivery network company.~~

(b) “Delivery network company” means a corporation, partnership, sole proprietorship, or other entity that:

1. operates in this state; and
2. uses a digital network to connect a delivery network company customer to a delivery network driver to provide delivery services.

~~means an entity that uses a digital network to connect a customer to a driver for the purpose of providing delivery services.~~

(c) “Delivery services” means the fulfillment of customer delivery requests through the pickup from any location of any item or items and the delivery of items, using a personal vehicle not exceeding a curb weight of 6,000 pounds, bicycle, scooter, or other similar means of transportation, to a location selected by the customer located within 50 miles of the pickup location. ~~means the delivery of an item by a person through the use of a digital network of a delivery network company to a customer located within 50 miles of the pick-up location of the item. The term includes the period beginning when a driver accepts a request by a customer for the delivery of an item through the digital network of a delivery network company and ending when the last item is delivered to the:~~

~~—— (1) Location designated by the customer;~~

~~—— (2) Last location in a series of deliveries; or~~

~~—— (3) Location designated by the delivery network company for the purposes of returning the item.~~

(d) “Digital network” means any online-enabled technology application, service, website, or system offered or utilized by a transportation network company or delivery network company that enables the prearrangements of rides with transportation network company drivers or enables the provisions of delivery services. ~~an Internet website, online service or mobile application which allows a person to purchase an item and offers delivery services.~~

(e) “Delivery network company driver” means an individual who provides delivery services through a delivery network company’s digital network pursuant to an independent contractor agreement. ~~“Driver” means a natural person who:~~

~~—— (1) Operates a personal motor vehicle that is owned, leased or otherwise authorized for use by the person; and~~

~~—— (2) Enters into an agreement with a delivery network company to provide delivery services.~~

(f) “Personal motor vehicle” means a motor vehicle that:

(1) Is used by a delivery network driver to provide delivery services through a digital network; ~~Is used by a driver to provide delivery services; and (2) Weighs less than 6,000 pounds.~~

2. Is owned, leased, or otherwise authorized for use by the delivery network driver; and

3. Is subject to the insurance requirements of NRS 485.185.

(g) "Delivery Service Period" means the period:

(1) beginning when a delivery network company driver starts operating a personal vehicle enroute to pick up goods for a delivery or series of deliveries as documented via a digital network controlled by a delivery network company;

(2) continuing while the delivery network company driver transports the requested deliveries; and

(3) ending upon delivery of the requested goods to:

- (i) the Customer or the last Customer in a series of deliveries;
- (ii) a location designated by the Customer, or the last location so designated in a series of deliveries; or
- (iii) a location designated by the Delivery Network Company, including for purposes of returning the goods.

Sec. 3. Chapter 706A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A transportation network company is not vicariously liable for any act or omission of a driver or passenger that harms a person or property under any theory of liability or duty of care.*

2. *This section does not:*

~~(a) Alter or preclude any other theory of liability against a transportation network company or duty of care owed by a transportation network company to the extent available and proven under the law.~~ ~~or~~

~~(b) Preclude any remedy or cause of action a person may have against a transportation network company under any other provision of law.~~