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**IDAPA 18
TITLE 01
CHAPTER 38**

18.01.38 - INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

000. LEGAL AUTHORITY.

Section 41-210, Section 41-211, Section 41-336A, Section 49-102, Section 49-3306, Title 67, Chapter 52, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

The purpose of this rule is to provide guidelines that will assist in the implementation and uniform interpretation of Section 49-3306, Idaho Code, and to provide for enforcement. Until further notice or decision, the Department of Law Enforcement and the Department of Insurance will abide by the interpretations herein set forth. (7-1-93)

002. -- 003. (RESERVED).

004. DEFINITIONS.

01. Ridesharing Vehicle. A “ridesharing vehicle” is a passenger motor vehicle with a seating capacity not exceeding fifteen (15) people including the driver, which is not otherwise used for commercial purposes or as a public conveyance, in which vehicle a fixed group not exceeding fifteen (15) people including passengers and driver, is transported between their residences or termini near such places, and their places of employment or education or other institutions or termini near such places, in a single daily round trip where the driver is also on the way to or from his or her place of employment or education or other institution. (7-1-93)

02. Vanpool. A “vanpool” is a ridesharing arrangement as defined in Section 49-3301 wherein the ridesharing vehicle has a seating capacity of not less than seven (7) nor more than fifteen (15) people including the driver. (7-1-93)

005. -- 010. (RESERVED).

011. GUIDELINES.

The provisions of Section 49-3306, INSURANCE AVAILABILITY--RATES--POLICY EXCLUSIONS shall be interpreted as follows: (7-1-93)

01. Risk Considerations. Upon application by an owner or driver of a ridesharing vehicle, a casualty insurer who regularly insures private passenger automobiles is required to consider the risk involved in insuring the ridesharing vehicle. The insurer may consider the owner’s and/or driver’s driving record, number of miles driven per year in the ridesharing vehicle, number of passengers regularly transported in the ridesharing vehicle, and any other relevant risk factors in determining whether to insure the ridesharing vehicle. The insurer may not increase any premium, cancel any policy, nor refuse to insure a vehicle solely because it is used in a ridesharing arrangement, and without regard to relevant risk analysis. (7-1-93)

02. Underwriting. An insurer may underwrite a ridesharing vehicle used in a vanpool as a private passenger automobile or as a commercial vehicle in the lowest commercial rating classification. (7-1-93)

012. ENFORCEMENT.

The director of the Department of Law Enforcement designates the Department of Insurance as the agency to issue guidelines for the interpretation of Section 49-3306, Idaho Code, and to enforce Section 49-3306, Idaho Code, and guidelines promulgated thereunder. (7-1-93)

013. STATISTICAL REPORTING.

Each insurer may collect statistics on ridesharing vehicles and ridesharing arrangements, including vanpools, separate from statistics on other motor vehicle risks. If collected, such statistics shall be reported to the director of the Department of Insurance annually, on or before the first day of March for the preceding year ending December 31. Such reports shall be made in the manner and on the form that may be obtained at the Department of Insurance, 700 West State Street, Boise, Idaho 83720. (7-1-93)

014. SEVERABILITY.

If any provision of this rule shall be held invalid, the remainder of the rule shall not be affected thereby. (7-1-93)

015. -- 999. (RESERVED).

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