

# Nebraska State Legislature



August 21, 2015

The Honorable Tim Schram  
Hearing Officer for Regulation Hearing #182  
Nebraska Public Service Commission  
1200 N Street, Suite 300  
Lincoln, NE 68508

## **RE: Comments on Fifth Set of Proposed Rules for Regulation #182**

Chairman Schram and Members of the Commission:

During the 2015 legislative session, the Nebraska Legislature adopted LB 629, which provides for the regulation of transportation network companies by the Public Service Commission (PSC). AM 1075, offered by the Transportation and Telecommunications Committee and adopted by the Legislature on April 1, 2015 during General File consideration, makes several improvements on the original bill. We specifically want to call to your attention two provisions regarding uninsured and underinsured (UI/UIM) coverage in relation to Nebraska PSC Proposed Rule and Regulation #182:

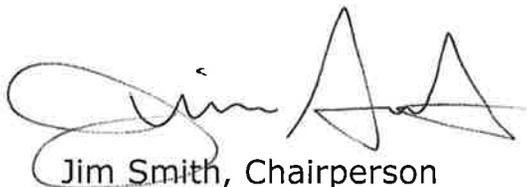
- (1) Section 12.(1)(b) of the amendment requires the transportation network company and the driver to maintain "uninsured and underinsured motorist coverage for both the driver and passengers in the amounts required by the Uninsured and Underinsured Motorist Insurance Coverage Act."
- (2) Section 75-304(2), which states "Contract carriers shall obtain and maintain uninsured and underinsured insurance coverage for each passenger in each motor vehicle in minimum amounts to be established by the commission."

First, the express language of LB 629 requires transportation network companies and their drivers to maintain UI/UIM insurance coverage in the

amounts as prescribed by the Nebraska Uninsured and Underinsured Motorist Act.

Second, the Legislature expressly stated the Nebraska PSC has the authority to set the minimum amounts of UI/UIM insurance for contract carriers. The Legislature heard extensive testimony concerning injured railroad workers. This included questions whether there are any injured railroad employees who have not been compensated, and whether there was ever a case where the railroad was absolutely not at fault. We felt the PSC was better positioned to examine these evidentiary issues and make a decision based on competent and substantial evidence obtained on the record in a hearing.

Thank you for your consideration. Please feel free to contact us if you have questions.



Jim Smith, Chairperson  
Committee on Transportation and  
Telecommunications



Heath Mello, Chairperson  
Committee on Appropriations