

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 168 & SENATE BILL 254

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

AN ACT

RELATING TO TRANSPORTATION; ENACTING THE TRANSPORTATION NETWORK  
COMPANY SERVICES ACT AND PROVIDING FOR ADMINISTRATION OF THE  
ACT BY THE PUBLIC REGULATION COMMISSION; CREATING A FUND;  
PROVIDING PENALTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** ~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1  
through 22 of this act may be cited as the "Transportation  
Network Company Services Act".

**SECTION 2.** ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the  
Transportation Network Company Services Act:

A. "digital network" means an internet-supported  
application, software, program, website or system offered or  
utilized by a transportation network company that enables the  
prearrangement of transportation by passengers with

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1 transportation network company drivers;

2 B. "personal vehicle" means a vehicle that is used  
3 by a transportation network company driver and is:

4 (1) owned, leased or otherwise authorized for  
5 use by a transportation network company driver; and

6 (2) not a taxicab or other vehicle for hire;

7 C. "prearranged ride" means transportation provided  
8 by a transportation network company driver, which shall be  
9 deemed to commence when a driver accepts a transportation  
10 request through a digital network and continue until all  
11 passengers have exited from the personal vehicle at the  
12 destination requested by the rider. "Prearranged ride" does  
13 not include shared-expense vanpool or carpool arrangements or  
14 transportation provided using a taxicab, limousine or other  
15 vehicle for hire pursuant to the Motor Carrier Act;

16 D. "transportation network company" means a  
17 corporation, partnership, sole proprietorship or other entity  
18 that is licensed pursuant to the Transportation Network Company  
19 Services Act and lawfully operating in New Mexico that uses a  
20 digital network, but which shall not be deemed to control,  
21 direct or manage the personal vehicles or transportation  
22 network company drivers that connect to its digital network  
23 except where agreed to by written contract;

24 E. "transportation network company driver" or  
25 "driver" means an individual who:

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1 (1) accepts a prearranged ride requested  
2 through a digital network and for a fee paid by a  
3 transportation network company rider to the transportation  
4 network company; and

5 (2) uses a personal vehicle to provide a  
6 prearranged ride through a digital network;

7 F. "transportation network company insurance" means  
8 a liability insurance policy that specifically covers a  
9 transportation network company driver's use of a transportation  
10 network company digital network; and

11 G. "transportation network company rider" or  
12 "rider" means a person who uses a digital network for a  
13 prearranged ride.

14 SECTION 3. [NEW MATERIAL] NOT OTHER CARRIERS.--

15 Transportation network companies and transportation network  
16 company drivers shall not be subject to the Motor Carrier Act  
17 or deemed to provide any transportation service as defined in  
18 the Motor Carrier Act. A transportation network company driver  
19 shall not be required to register a personal vehicle as a  
20 commercial vehicle or vehicle for hire.

21 SECTION 4. [NEW MATERIAL] TRANSPORTATION NETWORK COMPANY  
22 PERMIT REQUIRED.--

23 A. A person shall not operate a transportation  
24 network company in New Mexico without first having obtained a  
25 permit from the public regulation commission.

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1           B. A permit issued to a transportation network  
2 company by the public regulation commission shall be effective  
3 for one year.

4           C. The public regulation commission shall issue a  
5 permit to a transportation network company that meets the  
6 requirements set forth in the Transportation Network Company  
7 Services Act and any rules adopted by the commission pursuant  
8 to that act. The transportation network company shall pay an  
9 annual permit fee of ten thousand dollars (\$10,000) to the  
10 commission.

11           **SECTION 5. [NEW MATERIAL] FARE COLLECTED FOR SERVICES.--**

12 On behalf of a transportation network company driver, a  
13 transportation network company may charge a fare for the  
14 services provided to riders; provided that, if a fare is  
15 collected from a rider, the transportation network company  
16 shall disclose to the rider the fare calculation method,  
17 including the applicable rates and any fees, and shall provide  
18 an estimated fare before the rider enters a personal vehicle  
19 for a prearranged ride.

20           **SECTION 6. [NEW MATERIAL] IDENTIFICATION OF**

21 **TRANSPORTATION NETWORK COMPANY VEHICLES AND DRIVERS.--**A digital  
22 network shall display a current photograph of the  
23 transportation network company driver, and the license plate  
24 number, state of vehicle registration and make and model of the  
25 personal vehicle for a prearranged ride.

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1           SECTION 7. [NEW MATERIAL] ELECTRONIC RECEIPT.--Within  
2 twenty-four hours after the completion of a prearranged ride, a  
3 transportation network company shall electronically transmit a  
4 receipt to the rider that includes:

5           A. the origin and destination addresses of the  
6 prearranged ride;

7           B. the total time elapsed of and distance of the  
8 rearranged ride; and

9           C. an itemization of the total fare paid, if any.

10          SECTION 8. [NEW MATERIAL] FINANCIAL RESPONSIBILITY OF  
11 TRANSPORTATION NETWORK COMPANIES.--

12           A. Either the transportation network company  
13 driver, or the transportation network company on the driver's  
14 behalf, shall maintain primary automobile insurance that  
15 acknowledges that the driver is a transportation network  
16 company driver or otherwise uses a vehicle to transport riders  
17 for compensation and covers the driver:

18                   (1) while the driver is logged on to the  
19 transportation network company's digital network; or

20                   (2) while the driver is engaged in a  
21 prearranged ride.

22           B. While a transportation network company driver is  
23 logged on to the transportation network company's digital  
24 network, but is not engaged in a prearranged ride, the  
25 following minimum automobile insurance requirements shall

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1 apply: primary automobile liability insurance in the amount of  
2 at least fifty thousand dollars (\$50,000) for death and bodily  
3 injury per person, one hundred thousand dollars (\$100,000) for  
4 death and bodily injury per incident and twenty-five thousand  
5 dollars (\$25,000) for property damage and uninsured and  
6 underinsured motorist coverage to the extent required by  
7 Section 66-5-301 NMSA 1978.

8 C. While a transportation network company driver is  
9 engaged in a prearranged ride, the following minimum automobile  
10 insurance requirements shall apply:

11 (1) insurance of at least one million dollars  
12 (\$1,000,000) primary automobile liability for death, bodily  
13 injury and property damage; and

14 (2) uninsured and underinsured motorist  
15 coverage to the extent required by Section 66-5-301 NMSA 1978.

16 D. If insurance maintained by a transportation  
17 network company driver has lapsed or does not provide the  
18 minimum coverage required by this section, insurance maintained  
19 by a transportation network company shall provide the coverage  
20 required as the primary coverage.

21 E. Insurance required by this section shall be  
22 obtained from an insurer authorized to do business in the state  
23 or with a surplus lines insurer eligible pursuant to the New  
24 Mexico Insurance Code.

25 F. Insurance satisfying the requirements of this

1 section shall be deemed to satisfy the insurance requirements  
 2 of the Mandatory Financial Responsibility Act for a  
 3 transportation network company driver while engaged in a  
 4 prearranged ride or logged onto a digital network.

5 G. At all times while a transportation network  
 6 company driver is logged onto a digital network, the driver  
 7 shall possess digital and physical proof of coverage required  
 8 by this section.

9 H. In the event of a motor vehicle accident  
 10 involving a transportation network company driver, which occurs  
 11 while the driver is logged on to a digital network or engaged  
 12 in a prearranged ride, the driver shall provide the required  
 13 proof of insurance coverage to all passengers, other drivers,  
 14 injured persons, automobile insurers and investigating law  
 15 enforcement officers. A transportation network company driver  
 16 shall also disclose whether the driver was logged on to a  
 17 digital network, or on a prearranged ride, at the time of an  
 18 accident.

19 SECTION 9. [NEW MATERIAL] INSURANCE COVERAGE

20 DISCLOSURES.--A transportation network company shall disclose  
 21 in writing to its transportation network company drivers:

22 A. the insurance coverage that the transportation  
 23 network company provides the transportation network company  
 24 driver while the driver is logged on to a digital network,  
 25 including the types of coverage and the limits for each

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1 coverage; and

2 B. that the transportation network company driver's  
3 insurance policy might exclude coverage while the driver is  
4 logged on to the transportation network company's digital  
5 network or while engaged in a prearranged ride.

6 SECTION 10. ~~[NEW MATERIAL]~~ AUTOMOBILE INSURANCE  
7 PROVISIONS.--

8 A. Insurers that write automobile insurance in New  
9 Mexico may exclude any part or all coverage of and the duty to  
10 defend and indemnify an owner or operator of a personal vehicle  
11 for any loss or injury that occurs while a driver is logged on  
12 to a digital network or while engaged in a prearranged ride.  
13 Such exclusions shall apply notwithstanding requirements of the  
14 Mandatory Financial Responsibility Act.

15 B. In a claims coverage investigation, a  
16 transportation network company and any insurer providing  
17 coverage for the transportation network company driver shall  
18 disclose the precise times that a transportation network  
19 company driver logged on and off of the transportation network  
20 company's digital network in the twelve-hour period immediately  
21 preceding an accident, and in the twelve-hour period  
22 immediately following the accident, and disclose all coverage,  
23 exclusions and policy limits provided for all insurance  
24 maintained under the Transportation Network Company Services  
25 Act.

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1           C. If a transportation network company's insurer  
2 makes a payment for a claim covered under comprehensive  
3 coverage or collision coverage, and for property damage to a  
4 vehicle subject to a finance lien, the transportation network  
5 company shall cause its insurer to issue the payment directly  
6 to the business repairing the vehicle or jointly to the owner  
7 of the vehicle and any lienholder.

8           SECTION 11. [NEW MATERIAL] ZERO TOLERANCE FOR DRUG OR  
9 ALCOHOL USE.--

10           A. A transportation network company shall implement  
11 and enforce a zero-tolerance policy regarding drug and alcohol  
12 use by transportation network company drivers. The zero-  
13 tolerance policy shall prohibit any use or impairment due to  
14 intoxicating drugs or liquor while a transportation network  
15 company driver is providing prearranged rides or is logged on  
16 to the transportation network company's digital network.

17           B. A transportation network company shall publish  
18 on its website notice of its zero-tolerance policy, as well as  
19 procedures for a rider to report a complaint about a driver  
20 suspected to have been under the influence of illegal drugs or  
21 alcohol during a prearranged ride.

22           C. A transportation network company shall  
23 immediately conduct an investigation into every reported  
24 complaint of violation of its zero-tolerance policy, and the  
25 policy shall include procedures for suspension or termination

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1 of transportation network company drivers.

2 D. A transportation network company shall maintain  
3 records relevant to the enforcement of the requirements of this  
4 section for a period of at least four years from the date that  
5 a rider complaint is received by the transportation network  
6 company.

7 SECTION 12. [NEW MATERIAL] TRANSPORTATION NETWORK COMPANY  
8 DRIVER REQUIREMENTS.--

9 A. Before allowing a transportation network company  
10 driver to accept prearranged ride requests through a  
11 transportation network company's digital network:

12 (1) the prospective driver shall submit an  
13 application to the transportation network company that includes  
14 the individual's address, age, driver's license number and  
15 state, driving history, motor vehicle registration and proof of  
16 the insurance required;

17 (2) the transportation network company shall  
18 obtain a local and national criminal background check for the  
19 prospective driver that shall include:

20 (a) multistate or multi-jurisdiction  
21 criminal records locator or other similar commercial nationwide  
22 database with validation and primary source search; and

23 (b) a national sex offender registry;

24 and

25 (3) the transportation network company shall

1 obtain and review a driving history research report for the  
2 prospective driver.

3 B. A transportation network company shall not  
4 permit a person to act as a transportation network company  
5 driver who:

6 (1) has had more than three moving violations  
7 in the preceding three-year period or one violation in the  
8 preceding three-year period involving any attempt to evade law  
9 enforcement, reckless driving or driving on a suspended or  
10 revoked license;

11 (2) has been convicted within the past seven  
12 years of:

13 (a) a felony;

14 (b) misdemeanor driving under the  
15 influence, reckless driving, leaving the scene of an accident  
16 or any other driving-related offense or any misdemeanor violent  
17 offense or sexual offense; or

18 (c) more than three misdemeanors of any  
19 kind;

20 (3) is identified by a national sex offender  
21 registry;

22 (4) does not possess a valid driver's license  
23 or permit;

24 (5) does not possess proof of registration for  
25 the motor vehicle used to provide prearranged rides;

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1 (6) does not possess proof of automobile  
2 liability insurance for the motor vehicle used to provide  
3 prearranged rides; or

4 (7) is not at least twenty-one years old.

5 C. A transportation network company driver shall  
6 not provide prearranged rides for more than twelve hours out of  
7 any twenty-four-hour period.

8 SECTION 13. [NEW MATERIAL] VEHICLE SAFETY.--

9 A. A transportation network company shall not allow  
10 a driver to be connected to potential passengers using the  
11 digital network or software application service of the  
12 transportation network company if the motor vehicle operated by  
13 the driver to provide transportation services:

14 (1) is not in compliance with all federal,  
15 state and local laws concerning the operation and maintenance  
16 of the motor vehicle;

17 (2) has fewer than four doors; or

18 (3) is designed to carry more than eight  
19 passengers, including the driver.

20 B. A transportation network company shall inspect  
21 or cause to be inspected every motor vehicle used by a driver  
22 to provide transportation services before allowing the driver  
23 to use the motor vehicle to provide prearranged rides and not  
24 less than once each year thereafter.

25 C. The public regulation commission shall

1 promulgate rules and regulations setting forth the requirements  
2 of annual inspection of a vehicle used by a transportation  
3 network company driver while logged on to a digital network or  
4 engaged in a prearranged ride.

5 SECTION 14. [NEW MATERIAL] NO STREET HAILS.--A

6 transportation network company driver shall not solicit or  
7 accept street hails.

8 SECTION 15. [NEW MATERIAL] NO CASH TRIPS.--A

9 transportation network company shall adopt and enforce a policy  
10 prohibiting solicitation or acceptance of cash payments from  
11 riders. Any payment for prearranged rides shall be made only  
12 electronically by a digital network.

13 SECTION 16. [NEW MATERIAL] NONDISCRIMINATION--

14 ACCESSIBILITY.--

15 A. A transportation network company shall adopt a  
16 written policy of nondiscrimination on the basis of  
17 destination, race, color, national origin, religious belief or  
18 affiliation, sex, disability, age, sexual orientation or gender  
19 identity with respect to transportation network company  
20 drivers, riders and potential riders and shall notify  
21 transportation network company drivers of the policy.

22 B. Transportation network company drivers shall  
23 comply with all applicable laws regarding nondiscrimination  
24 against transportation network company drivers, riders or  
25 potential riders on the basis of destination, race, color,

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1 national origin, religious belief or affiliation, sex,  
2 disability, age, sexual orientation or gender identity.

3 C. Transportation network company drivers shall  
4 comply with all applicable laws relating to accommodation of  
5 service animals.

6 D. A transportation network company shall not  
7 impose additional charges for providing services to persons  
8 with physical disabilities.

9 E. A transportation network company shall provide  
10 riders an opportunity to indicate whether they require a  
11 wheelchair-accessible vehicle. If a transportation network  
12 company cannot arrange a wheelchair-accessible prearranged ride  
13 in any instance, it shall direct the rider to an alternate  
14 provider of wheelchair-accessible service, if available.

15 SECTION 17. [NEW MATERIAL] RECORDS.--

16 A. A transportation network company shall maintain:

17 (1) individual prearranged ride records for at  
18 least four years from the date each ride was provided; and

19 (2) individual records of transportation  
20 network company drivers for at least four years after the  
21 driver's relationship with the transportation network company  
22 has ended.

23 B. A transportation network company and a  
24 transportation network company driver shall not use or disclose  
25 a transportation network company rider's personal identifiable

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1 information to a third party unless the rider consents;  
2 disclosure is required by court order; or disclosure is  
3 required to investigate violations of the Transportation  
4 Network Company Services Act.

5 SECTION 18. [NEW MATERIAL] CONTROLLING AUTHORITY.--

6 A. No municipality or other local entity may impose  
7 a tax on or require a license for a transportation network  
8 company, a transportation network company driver or a vehicle  
9 used by a transportation network company driver where a tax or  
10 license relates to providing prearranged rides or subjects a  
11 transportation network company to the municipality's or other  
12 local entity's rate, tax, license, entry, operational or other  
13 requirements, except for generally applicable business licenses  
14 or taxes.

15 B. Nothing in this section prohibits an airport  
16 with more than one million annual enplanements, as reported by  
17 the federal aviation administration in the previous calendar  
18 year, from requiring a transportation network company to  
19 establish fees and other requirements to operate at that  
20 airport.

21 SECTION 19. [NEW MATERIAL] TRANSPORTATION DIVISION FUND  
22 CREATED--ASSESSMENT AND COLLECTION OF FEES.--

23 A. The "transportation division fund" is created in  
24 the state treasury for the purpose of ensuring the safety and  
25 financial responsibility of transportation network companies

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1 and transportation network company drivers. The fund shall  
2 consist of fees collected pursuant to the Transportation  
3 Network Company Services Act, administrative fines collected  
4 under that act, appropriations, gifts, grants, donations and  
5 earnings on investment of the fund. Balances in the fund shall  
6 not revert to the general fund or any other fund at the end of  
7 any fiscal year.

8 B. The transportation division fund shall be  
9 administered by the public regulation commission. Money in the  
10 fund is appropriated to the commission to carry out its duties  
11 pursuant to the provisions of the Transportation Network  
12 Company Services Act. Not more than five percent of the fees  
13 collected pursuant to this section shall be used by the  
14 commission for administrative purposes.

15 C. Payments from the transportation division fund  
16 shall be made upon vouchers issued and signed by the director  
17 of the administrative services division of the public  
18 regulation commission or the director's authorized  
19 representative upon warrants drawn by the secretary of finance  
20 and administration.

21 SECTION 20. [NEW MATERIAL] RECORDS PURSUANT TO RULES OF  
22 THE PUBLIC REGULATION COMMISSION.--

23 A. A transportation network company holding a  
24 permit issued by the public regulation commission shall  
25 maintain the records required pursuant to the Transportation

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1 Network Company Services Act to be collected by the  
 2 transportation network company, including records regarding  
 3 transportation network company drivers.

4 B. In response to a specific complaint, the public  
 5 regulation commission, its employees or its duly authorized  
 6 agents may inspect those records held by a transportation  
 7 network company for the investigation and resolution of the  
 8 complaint.

9 C. No more than semiannually and as determined by  
 10 the public regulation commission, the commission, its employees  
 11 or its duly authorized agents may, in a mutually agreed  
 12 setting, inspect those records held by a transportation network  
 13 company whose review is necessary to ensure public safety;  
 14 provided that such review shall be on an audit rather than a  
 15 comprehensive basis.

16 D. Any proprietary records obtained by the public  
 17 regulation commission pursuant to this section shall not be  
 18 subject to disclosure by the commission.

19 **SECTION 21. [NEW MATERIAL] ADMINISTRATIVE PENALTIES.--**

20 A. If the public regulation commission finds after  
 21 investigation that a provision of the Transportation Network  
 22 Company Services Act or an order or rule of the commission is  
 23 being, has been or is about to be violated, it may issue an  
 24 order specifying the actual or proposed acts or omissions to  
 25 act that constitute a violation and require that the violation

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1 be discontinued, rectified or prevented.

2 B. Notwithstanding the existence of any other  
3 penalties, the public regulation commission may assess an  
4 administrative fine of not more than one thousand dollars  
5 (\$1,000) for each violation of a provision of the  
6 Transportation Network Company Services Act or of a lawful rule  
7 or order of the commission. In the case of a continuing  
8 violation, each day's violation shall be deemed to be a  
9 separate and distinct offense.

10 C. All penalties accruing under the Transportation  
11 Network Company Services Act shall be cumulative, and a suit  
12 for recovery of one penalty shall not be a bar to or affect the  
13 recovery of any other penalty or be a bar to any criminal  
14 prosecution.

15 SECTION 22. [NEW MATERIAL] INVOLUNTARY SUSPENSION AND  
16 REVOCATION.--

17 A. The public regulation commission shall  
18 immediately suspend, without notice or a hearing, the permit of  
19 a transportation network company that:

20 (1) does not continuously maintain the  
21 insurance coverage prescribed by the Transportation Network  
22 Company Services Act;

23 (2) does not pay the fees owed by the  
24 transportation network company and the transportation network  
25 company's drivers; or

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1 (3) operates in a manner that poses an  
2 immediate or imminent threat to public safety.

3 B. Once suspended, the transportation network  
4 company may apply for reinstatement by requesting a public  
5 hearing before the public regulation commission and shall  
6 establish that the basis for the suspension has been corrected.

7 **SECTION 23.** Section 66-5-205.3 NMSA 1978 (being Laws  
8 2003, Chapter 171, Section 1) is amended to read:

9 "66-5-205.3. MOTOR VEHICLE INSURANCE POLICY--  
10 PROCEDURES.--

11 A. A motor vehicle insurance policy shall:

12 (1) designate by explicit description or by  
13 appropriate reference all motor vehicles to which coverage is  
14 to be granted; and

15 (2) insure the person named in the policy and  
16 a person using any such motor vehicle with the express or  
17 implied permission of the named insured against loss from the  
18 liability imposed by law for damages arising out of the  
19 ownership, maintenance or use of the motor vehicle within a  
20 jurisdiction, subject to the requirement to provide evidence of  
21 financial responsibility pursuant to the Mandatory Financial  
22 Responsibility Act.

23 B. A motor vehicle insurance policy shall insure a  
24 person named as insured against loss from the liability imposed  
25 upon the person by law for damages arising out of the use, with

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1 the express or implied permission of the owner or person in  
2 lawful possession, of a motor vehicle that the insured person  
3 does not own. The policy shall insure the person within the  
4 same territorial limits and in compliance with the requirement  
5 of evidence of financial responsibility as set forth in the  
6 Mandatory Financial Responsibility Act with respect to a motor  
7 vehicle insurance policy. A motor vehicle liability policy in  
8 which the described vehicle is a private passenger car is not  
9 required to provide liability insurance coverage for a non-  
10 owned truck tractor designed to pull a trailer or semitrailer.

11 C. Permitted exceptions to coverage otherwise  
12 required by Subsections A and B of this section may include the  
13 following if excluded by the motor vehicle insurance policy:

- 14 (1) an automobile business exclusion;  
15 (2) a furnished for regular use exclusion;  
16 (3) a vehicle rented for business use  
17 exclusion if the exclusion is contained in the motor vehicle  
18 insurance policy and is enforceable;  
19 (4) an exclusion for any liability of the  
20 United States government or its agencies when the provisions of  
21 the Federal Tort Claims Act apply;  
22 (5) an exclusion for liability of the insured  
23 under any workers' compensation law;  
24 (6) an exclusion for damages to property owned  
25 by, rented to, in the charge of or transported by an insured;

1 provided, however, that this exclusion shall not apply to  
2 damages to a residence or private garage rented by an insured;  
3 and

4 (7) an exclusion to apply when a vehicle is  
5 rented to others or used to carry persons for a charge,  
6 including when a vehicle is being used while logged on to a  
7 transportation network company's digital network or while a  
8 driver provides a prearranged ride; provided, however, that  
9 this exclusion shall not apply to use on a shared expense  
10 basis.

11 D. The motor vehicle insurance policy shall state  
12 the name and address of the insured, the coverage afforded by  
13 the policy, the premium charged, the policy period and the  
14 limits of liability. The policy shall also contain an  
15 agreement or endorsement that states that the insurance is:

16 (1) provided in accordance with the coverage  
17 defined in the Mandatory Financial Responsibility Act regarding  
18 bodily injury and death or property damage or both; and

19 (2) subject to all the provisions of that act.

20 E. Every motor vehicle insurance policy shall be  
21 subject to the following provisions, which may be contained in  
22 the policy:

23 (1) the policy may not be canceled or annulled  
24 as to the liability of the insurance carrier with respect to  
25 the insurance required by the Mandatory Financial

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1 Responsibility Act by an agreement between the insurance  
2 carrier and the insured after the occurrence of the injury or  
3 damage;

4 (2) the satisfaction by the insured of a  
5 judgment for injury or damage shall not be a condition  
6 precedent to the right or duty of the insurance carrier to pay  
7 on account of injury or damage;

8 (3) the insurance carrier has the right to  
9 settle a claim covered by the policy. If the settlement is  
10 made in good faith, the amount of the settlement is deductible  
11 from the limits of liability specified in the Mandatory  
12 Financial Responsibility Act; and

13 (4) the policy, the declarations page, the  
14 written application and a rider or an endorsement that does not  
15 conflict with the provisions of the Mandatory Financial  
16 Responsibility Act constitute the entire contract between the  
17 parties.

18 F. A binder issued pending the issuance of a motor  
19 vehicle insurance policy is deemed to fulfill the requirements  
20 for the policy."