WEST VIRGINIA CODE: §33-63-1

§33-63-1. Short title and definitions.

- (a) This article may be cited as the "Delivery Network Company Insurance Act."
- (b) As used in this article:
- (1) "Delivery network company" or "DNC" means a corporation, partnership, sole proprietorship, or other entity that operates in West Virginia and uses a digital network to connect a delivery network company customer to a delivery network driver to provide delivery services. A DNC shall not be deemed to control, direct, or manage the personal vehicles or delivery network drivers that connect to its digital network, except where agreed to by written contract.
- (2) "Delivery network company customer" or "customer" means a person who uses a digital network and orders the delivery of goods and prompts a delivery network driver to deliver such goods at the direction of the customer.
- (3) "Delivery network driver" or "driver" means a person who provides delivery services through a DNC's digital network using a personal vehicle. For purposes of this Act, a driver shall be deemed to be an independent contractor and not an employee of the DNC, unless otherwise agreed in writing.
- (4) "Delivery available period" means the period when a delivery network driver:
- (A) Is operating a personal vehicle;
- (B) Has logged on to a digital network and is eligible to receive requests to provide delivery services from a delivery network company, and
- (C) Is not providing delivery services or operating in the delivery service period.
- (5) "Delivery services" means the fulfillment of delivery requests made by a customer through a digital network, including the pickup of any goods and the delivery of the goods by a delivery network driver. Delivery services may include a series of deliveries to different customers, or to different locations at the direction of a customer.
- (6) "Delivery service period" means the period beginning when a driver starts operating a personal vehicle to pick up goods for a delivery or series of deliveries as documented via a digital network controlled by a delivery network company, continuing while the driver transports the requested deliveries, and ending upon delivery of the requested goods to:
- (A) The customer or the last customer in a series of deliveries;

- (B) A location designated by the customer, or the last location so designated in a series of deliveries; or
- (C) The location designated by the delivery network company, including for purposes of returning the goods.
- (7) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a delivery network company that enables deliveries with delivery network drivers.
- (8) "Personal vehicle" means a vehicle as defined in §17C-1-2 of this code that is:
- (A) Used by a delivery network driver to provide delivery services via a digital network;
- (B) Owned, leased, or otherwise authorized for use by the delivery network driver;
- (C) A two axel vehicle, the primary purpose of which is the transportation of passengers, including motorcycles and mopeds.