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;

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(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.

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