

By Senator Perry

8-00637-21

2021566__

1 A bill to be entitled
2 An act relating to motor vehicle rentals; amending s.
3 212.05, F.S.; specifying the applicable sales tax rate
4 on motor vehicle leases and rentals by motor vehicle
5 rental companies and peer-to-peer car-sharing
6 programs; requiring peer-to-peer car-sharing programs
7 to collect and remit the applicable sales tax;
8 amending s. 212.0606, F.S.; defining terms; specifying
9 the applicable rental car surcharge on motor vehicle
10 leases and rentals by motor vehicle rental companies
11 and peer-to-peer car-sharing programs; specifying
12 applicability of the surcharge; requiring motor
13 vehicle rental companies and peer-to-peer car-sharing
14 programs to collect the surcharge; requiring car-
15 sharing services to collect a certain surcharge;
16 making technical changes; creating s. 627.7483, F.S.;
17 defining terms; specifying insurance requirements for
18 shared vehicle owners and shared vehicle drivers under
19 peer-to-peer car-sharing programs; providing that a
20 peer-to-peer car-sharing program has an insurable
21 interest in a shared vehicle during certain periods;
22 providing construction; authorizing peer-to-peer car-
23 sharing programs to own and maintain certain motor
24 vehicle insurance policies; requiring peer-to-peer
25 car-sharing programs to assume certain liability;
26 providing exceptions; requiring a shared vehicle
27 owner's insurer to indemnify the peer-to-peer car-
28 sharing program under certain circumstances; providing
29 an exemption from vicarious liability for peer-to-peer

8-00637-21

2021566__

30 car-sharing programs and shared vehicle owners;
31 authorizing motor vehicle insurers to exclude
32 coverages and a duty to defend or indemnify claims
33 under a shared vehicle owner's policy; providing
34 construction relating to exclusions; providing a right
35 of contribution to a shared vehicle owner's insurer
36 for certain claims; requiring peer-to-peer car-sharing
37 programs to provide certain information to shared
38 vehicle owners regarding liens; specifying
39 recordkeeping, record retention, and record-sharing
40 requirements for peer-to-peer car-sharing programs;
41 specifying disclosure requirements for peer-to-peer
42 car-sharing program agreements; specifying driver
43 license verification and data retention requirements
44 for peer-to-peer car-sharing programs; providing that
45 peer-to-peer car-sharing programs have sole
46 responsibility for certain equipment in or on a shared
47 vehicle; providing for indemnification regarding such
48 equipment; specifying requirements for peer-to-peer
49 car-sharing programs relating to safety recalls on a
50 shared vehicle; providing construction; providing an
51 effective date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Paragraph (c) of subsection (1) of section
56 212.05, Florida Statutes, is amended to read:

57 212.05 Sales, storage, use tax.—It is hereby declared to be
58 the legislative intent that every person is exercising a taxable

8-00637-21

2021566__

59 privilege who engages in the business of selling tangible
60 personal property at retail in this state, including the
61 business of making mail order sales, or who rents or furnishes
62 any of the things or services taxable under this chapter, or who
63 stores for use or consumption in this state any item or article
64 of tangible personal property as defined herein and who leases
65 or rents such property within the state.

66 (1) For the exercise of such privilege, a tax is levied on
67 each taxable transaction or incident, which tax is due and
68 payable as follows:

69 (c) At the rate of 6 percent of the gross proceeds derived
70 from the lease or rental of tangible personal property, as
71 defined herein; however, the following special provisions apply
72 to the lease or rental of motor vehicles:

73 1. When a motor vehicle is leased or rented by a motor
74 vehicle rental company or a peer-to-peer car-sharing program, as
75 those terms are defined in s. 212.0606(1), for a period of less
76 than 12 months:

77 a. If the motor vehicle is rented in Florida, the entire
78 amount of such rental is taxable, even if the vehicle is dropped
79 off in another state.

80 b. If the motor vehicle is rented in another state and
81 dropped off in Florida, the rental is exempt from Florida tax.

82 c. If the motor vehicle is rented by a peer-to-peer car-
83 sharing program, the peer-to-peer car-sharing program must
84 collect and remit the applicable tax due in connection with the
85 rental.

86 2. Except as provided in subparagraph 3., for the lease or
87 rental of a motor vehicle for a period of not less than 12

8-00637-21

2021566__

88 months, sales tax is due on the lease or rental payments if the
89 vehicle is registered in this state; provided, however, that no
90 tax shall be due if the taxpayer documents use of the motor
91 vehicle outside this state and tax is being paid on the lease or
92 rental payments in another state.

93 3. The tax imposed by this chapter does not apply to the
94 lease or rental of a commercial motor vehicle as defined in s.
95 316.003(13) (a) to one lessee or rentee for a period of not less
96 than 12 months when tax was paid on the purchase price of such
97 vehicle by the lessor. To the extent tax was paid with respect
98 to the purchase of such vehicle in another state, territory of
99 the United States, or the District of Columbia, the Florida tax
100 payable shall be reduced in accordance with the provisions of s.
101 212.06(7). This subparagraph shall only be available when the
102 lease or rental of such property is an established business or
103 part of an established business or the same is incidental or
104 germane to such business.

105 Section 2. Section 212.0606, Florida Statutes, is amended
106 to read:

107 212.0606 Rental car surcharge.—

108 (1) As used in this section, the term:

109 (a) "Car-sharing service" means a membership-based
110 organization or business, or division thereof, which requires
111 the payment of an application fee or a membership fee and
112 provides member access to motor vehicles:

113 1. Only at locations that are not staffed by car-sharing
114 service personnel employed solely for the purpose of interacting
115 with car-sharing service members;

116 2. Twenty-four hours per day, 7 days per week;

8-00637-21

2021566__

117 3. Only through automated means, including, but not limited
118 to, a smartphone application or an electronic membership card;

119 4. On an hourly basis or for a shorter increment of time;

120 5. Without a separate fee for refueling the motor vehicle;

121 6. Without a separate fee for minimum financial
122 responsibility liability insurance; and

123 7. Owned or controlled by the car-sharing service or its
124 affiliates.

125 (b) "Motor vehicle rental company" means an entity that is
126 in the business of providing, for financial consideration, motor
127 vehicles to the public under a rental agreement.

128 (c) "Peer-to-peer car-sharing program" has the same meaning
129 as in s. 627.7483(1).

130 (2) Except as provided in subsection (3) ~~(2)~~, a surcharge
131 of \$2 per day or any part of a day is imposed upon the lease or
132 rental by a motor vehicle rental company or a peer-to-peer car-
133 sharing program of a motor vehicle that is licensed for hire and
134 designed to carry fewer than nine passengers, regardless of
135 whether the motor vehicle is licensed in this state, for
136 financial consideration and without transfer of the title of the
137 motor vehicle. The surcharge is imposed regardless of whether
138 the lease or rental occurs in person or through digital means.
139 The surcharge applies to only the first 30 days of the term of a
140 lease or rental and must be collected by the motor vehicle
141 rental company or the peer-to-peer car-sharing program. The
142 surcharge is subject to all applicable taxes imposed by this
143 chapter.

144 (3)~~(2)~~ A member of a car-sharing service who uses a motor
145 vehicle as described in subsection (2) ~~(1)~~ for less than 24

8-00637-21

2021566__

146 hours pursuant to an agreement with the car-sharing service
 147 shall pay a surcharge of \$1 per usage. A member of a car-sharing
 148 service who uses the same motor vehicle for 24 hours or more
 149 shall pay a surcharge of \$2 per day or any part of a day as
 150 provided in subsection (2) ~~(1)~~. The car-sharing service shall
 151 collect the surcharge ~~For purposes of this subsection, the term~~
 152 ~~"car-sharing service" means a membership-based organization or~~
 153 ~~business, or division thereof, which requires the payment of an~~
 154 ~~application or membership fee and provides member access to~~
 155 ~~motor vehicles:~~

156 ~~(a) Only at locations that are not staffed by car sharing~~
 157 ~~service personnel employed solely for the purpose of interacting~~
 158 ~~with car-sharing service members;~~

159 ~~(b) Twenty four hours per day, 7 days per week;~~

160 ~~(c) Only through automated means, including, but not~~
 161 ~~limited to, smartphone applications or electronic membership~~
 162 ~~cards;~~

163 ~~(d) On an hourly basis or for a shorter increment of time;~~

164 ~~(e) Without a separate fee for refueling the motor vehicle;~~

165 ~~(f) Without a separate fee for minimum financial~~
 166 ~~responsibility liability insurance; and~~

167 ~~(g) Owned or controlled by the car-sharing service or its~~
 168 ~~affiliates.~~

169
 170 The surcharge imposed under this subsection does not apply to
 171 the lease, rental, or use of a motor vehicle from a location
 172 owned, operated, or leased by or for the benefit of an airport
 173 or airport authority.

174 (4) (a) ~~(3) (a)~~ Notwithstanding s. 212.20, and less the costs

8-00637-21

2021566__

175 of administration, 80 percent of the proceeds of this surcharge
176 shall be deposited in the State Transportation Trust Fund, 15.75
177 percent of the proceeds of this surcharge shall be deposited in
178 the Tourism Promotional Trust Fund created in s. 288.122, and
179 4.25 percent of the proceeds of this surcharge shall be
180 deposited in the Florida International Trade and Promotion Trust
181 Fund. For the purposes of this subsection, the term "proceeds of
182 this surcharge" ~~of the surcharge~~ means all funds collected and
183 received by the department under this section, including
184 interest and penalties on delinquent surcharges. The department
185 shall provide the Department of Transportation rental car
186 surcharge revenue information for the previous state fiscal year
187 by September 1 of each year.

188 (b) Notwithstanding any other ~~provision of~~ law, the
189 proceeds deposited in the State Transportation Trust Fund shall
190 be allocated on an annual basis in the Department of
191 Transportation's work program to each department district,
192 except the Turnpike District. The amount allocated to each
193 district shall be based on the amount of proceeds attributed to
194 the counties within each respective district.

195 (5) (a) ~~(4)~~ Except as provided in this section, the
196 department shall administer, collect, and enforce the surcharge
197 as provided in this chapter.

198 (b) ~~(a)~~ The department shall require a dealer ~~dealers~~ to
199 report surcharge collections according to the county to which
200 the surcharge was attributed. For purposes of this section, the
201 surcharge shall be attributed to the county where the rental
202 agreement was entered into.

203 (c) ~~(b)~~ A dealer ~~Dealers~~ who collects ~~collect~~ the rental car

8-00637-21

2021566__

204 surcharge shall report to the department all surcharge revenues
205 attributed to the county where the rental agreement was entered
206 into on a timely filed return for each required reporting
207 period. The provisions of this chapter which apply to interest
208 and penalties on delinquent taxes apply to the surcharge. The
209 surcharge shall not be included in the calculation of estimated
210 taxes pursuant to s. 212.11. The dealer's credit provided in s.
211 212.12 does not apply to any amount collected under this
212 section.

213 ~~(6)~~~~(5)~~ The surcharge imposed by this section does not apply
214 to a motor vehicle provided at no charge to a person whose motor
215 vehicle is being repaired, adjusted, or serviced by the entity
216 providing the replacement motor vehicle.

217 Section 3. Section 627.7483, Florida Statutes, is created
218 to read:

219 627.7483 Peer-to-peer car sharing; insurance requirements.-

220 (1) DEFINITIONS.-As used in this section, the term:

221 (a) "Car-sharing delivery period" means the period of time
222 during which a shared vehicle is being delivered to the location
223 of the car-sharing start time, if applicable, as documented by
224 the governing peer-to-peer car-sharing program agreement.

225 (b) "Car-sharing period" means the period of time that
226 commences either at the car-sharing delivery period or, if there
227 is no car-sharing delivery period, at the car-sharing start time
228 and that ends at the car-sharing termination time.

229 (c) "Car-sharing start time" means the time when the shared
230 vehicle is under the control of the shared vehicle driver, which
231 time occurs at or after the time the reservation of the shared
232 vehicle is scheduled to begin, as documented in the records of a

8-00637-21

2021566__

233 peer-to-peer car-sharing program.

234 (d) "Car-sharing termination time" means the earliest of
235 the following events:

236 1. The expiration of the agreed-upon period of time
237 established for the use of a shared vehicle according to the
238 terms of the peer-to-peer car-sharing program agreement, if the
239 shared vehicle is delivered to the location agreed upon in the
240 peer-to-peer car-sharing program agreement;

241 2. The time the shared vehicle is returned to a location as
242 alternatively agreed upon by the shared vehicle owner and shared
243 vehicle driver, as communicated through a peer-to-peer car-
244 sharing program; or

245 3. The time the shared vehicle owner or the shared vehicle
246 owner's authorized designee takes possession and control of the
247 shared vehicle.

248 (e) "Peer-to-peer car sharing" or "car sharing" means the
249 authorized use of a motor vehicle by an individual other than
250 the vehicle's owner through a peer-to-peer car-sharing program.
251 For the purposes of this section, the term does not include the
252 renting of a motor vehicle through a rental car company, the use
253 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
254 as defined in s. 341.031(9), carpool as defined in s. 450.28(3),
255 or the use of a motor vehicle under an agreement for a car-
256 sharing service as defined in s. 212.0606(1).

257 (f) "Peer-to-peer car-sharing program" means a business
258 platform that enables peer-to-peer car sharing by connecting
259 motor vehicle owners with drivers for financial consideration.
260 For the purposes of this section, the term does not include a
261 rental car company, a car-sharing service as defined in s.

8-00637-21

2021566__

262 212.0606(1), a taxicab association, or the owner of a for-hire
263 vehicle as defined in s. 320.01(15).

264 (g) "Peer-to-peer car-sharing program agreement" means the
265 terms and conditions established by the peer-to-peer car-sharing
266 program which are applicable to a shared vehicle owner and a
267 shared vehicle driver and which govern the use of a shared
268 vehicle through a peer-to-peer car-sharing program. For the
269 purposes of this section, the term does not include a rental
270 agreement or an agreement for a for-hire vehicle as defined in
271 s. 320.01(15) or for a car-sharing service as defined in s.
272 212.0606(1).

273 (h) "Shared vehicle" means a motor vehicle that is
274 available for sharing through a peer-to-peer car-sharing
275 program. For the purposes of this section, the term does not
276 include a rental car, a for-hire vehicle as defined in s.
277 320.01(15), or a motor vehicle used for ridesharing as defined
278 in s. 341.031(9), for carpool as defined in s. 450.28(3), or for
279 car-sharing service as defined in s. 212.0606(1).

280 (i) "Shared vehicle driver" means an individual who has
281 been authorized by the shared vehicle owner to drive the shared
282 vehicle under the peer-to-peer car-sharing program agreement.

283 (j) "Shared vehicle owner" means the registered owner, or a
284 natural person or an entity designated by the registered owner,
285 of a motor vehicle made available for sharing to shared vehicle
286 drivers through a peer-to-peer car-sharing program. For the
287 purposes of this section, the term does not include an owner of
288 a for-hire vehicle as defined in s. 320.01(15).

289 (2) INSURANCE COVERAGE REQUIREMENTS.-

290 (a)1. A peer-to-peer car-sharing program shall ensure that,

8-00637-21

2021566__

291 during each car-sharing period, the shared vehicle owner and the
292 shared vehicle driver are insured under a motor vehicle
293 insurance policy that provides all of the following:

294 a. Property damage liability coverage that meets the
295 minimum coverage amounts required under s. 324.022.

296 b. Bodily injury liability coverage limits as described in
297 s. 324.021(7) (a) and (b).

298 c. Personal injury protection benefits that meet the
299 minimum coverage amounts required under s. 627.736.

300 d. Uninsured and underinsured vehicle coverage as required
301 under s. 627.727.

302 2. The peer-to-peer car-sharing program shall also ensure
303 that the motor vehicle insurance policy under subparagraph 1.:

304 a. Recognizes that the shared vehicle insured under the
305 policy is made available and used through a peer-to-peer car-
306 sharing program; or

307 b. Does not exclude the use of a shared vehicle by a shared
308 vehicle driver.

309 (b)1. The insurance described under paragraph (a) may be
310 satisfied by a motor vehicle insurance policy maintained by:

311 a. A shared vehicle owner;

312 b. A shared vehicle driver;

313 c. A peer-to-peer car-sharing program; or

314 d. A combination of a shared vehicle owner, a shared
315 vehicle driver, and a peer-to-peer car-sharing program.

316 2. The insurance policy maintained in subparagraph 1. which
317 satisfies the insurance requirements under paragraph (a) is
318 primary during each car-sharing period.

319 3.a. If the insurance maintained by a shared vehicle owner

8-00637-21

2021566__

320 or shared vehicle driver in accordance with subparagraph 1. has
321 lapsed or does not provide the coverage required under paragraph
322 (a), the insurance maintained by the peer-to-peer car-sharing
323 program must provide the coverage required under paragraph (a),
324 beginning with the first dollar of a claim, and must defend such
325 claim, except under circumstances as set forth in subparagraph
326 (3) (a)2.

327 b. Coverage under a motor vehicle insurance policy
328 maintained by the peer-to-peer car-sharing program must not be
329 dependent on another motor vehicle insurer first denying a
330 claim, and another motor vehicle insurance policy is not
331 required to first deny a claim.

332 c. Notwithstanding any other law, statute, rule, or
333 regulation to the contrary, a peer-to-peer car-sharing program
334 has an insurable interest in a shared vehicle during the car-
335 sharing period. This sub-subparagraph does not create liability
336 for a peer-to-peer car-sharing program for maintaining the
337 coverage required under paragraph (a) and under this paragraph,
338 if applicable.

339 d. A peer-to-peer car-sharing program may own and maintain
340 as the named insured one or more policies of motor vehicle
341 insurance which provide coverage for:

342 (I) Liabilities assumed by the peer-to-peer car-sharing
343 program under a peer-to-peer car-sharing program agreement;

344 (II) Liability of the shared vehicle owner;

345 (III) Liability of the shared vehicle driver;

346 (IV) Damage or loss to the shared motor vehicle; or

347 (V) Damage, loss, or injury to persons or property to

348 satisfy the personal injury protection and uninsured and

8-00637-21

2021566__

349 underinsured motorist coverage requirements of this section.

350 e. Insurance required under paragraph (a), when maintained
351 by a peer-to-peer car-sharing program, may be provided by an
352 insurer authorized to do business in this state which is a
353 member of the Florida Insurance Guaranty Association or an
354 eligible surplus lines insurer that has a superior, excellent,
355 exceptional, or equivalent financial strength rating by a rating
356 agency acceptable to the office. A peer-to-peer car-sharing
357 program is not transacting in insurance when it maintains the
358 insurance required under this section.

359 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

360 (a) Liability.—

361 1. A peer-to-peer car-sharing program shall assume
362 liability, except as provided in subparagraph 2., of a shared
363 vehicle owner for bodily injury or property damage to third
364 parties or uninsured and underinsured motorist or personal
365 injury protection losses during the car-sharing period in an
366 amount stated in the peer-to-peer car-sharing program agreement,
367 which amount may not be less than those set forth in ss.
368 324.021(7) (a) and (b), 324.022, 627.727, and 627.736,
369 respectively.

370 2. The assumption of liability under subparagraph 1. does
371 not apply if a shared vehicle owner:

372 a. Makes an intentional or fraudulent material
373 misrepresentation or omission to the peer-to-peer car-sharing
374 program before the car-sharing period in which the loss occurs;
375 or

376 b. Acts in concert with a shared vehicle driver who fails
377 to return the shared vehicle pursuant to the terms of the peer-

8-00637-21

2021566__

378 to-peer car-sharing program agreement.

379 3. A peer-to-peer car-sharing program shall assume primary
380 liability for a claim when it is in whole or in part providing
381 the insurance required under paragraph (2) (a) and:

382 a. A dispute exists as to who was in control of the shared
383 motor vehicle at the time of the loss; and

384 b. The peer-to-peer car-sharing program does not have
385 available, did not retain, or fails to provide the information
386 required under subsection (5).

387
388 The shared vehicle owner's insurer shall indemnify the peer-to-
389 peer car-sharing program to the extent of the insurer's
390 obligation, if any, under the applicable insurance policy if it
391 is determined that the shared vehicle owner was in control of
392 the shared motor vehicle at the time of the loss.

393 (b) Vicarious liability.—A peer-to-peer car-sharing program
394 and a shared vehicle owner are exempt from vicarious liability
395 consistent with 49 U.S.C. s. 30106 (2005) under any state or
396 local law that imposes liability solely based on vehicle
397 ownership.

398 (c) Exclusions in motor vehicle insurance policies.—An
399 authorized insurer that writes motor vehicle liability insurance
400 in this state may exclude any and all coverage and the duty to
401 defend or indemnify for any claim afforded under a shared
402 vehicle owner's motor vehicle insurance policy, including, but
403 not limited to:

404 1. Liability coverage for bodily injury and property
405 damage;

406 2. Personal injury protection coverage;

8-00637-21

2021566__

- 407 3. Uninsured and underinsured motorist coverage;
408 4. Medical payments coverage;
409 5. Comprehensive physical damage coverage; and
410 6. Collision physical damage coverage.

411
412 This paragraph does not invalidate or limit any exclusion
413 contained in a motor vehicle insurance policy, including any
414 insurance policy in use or approved for use which excludes
415 coverage for motor vehicles made available for rent, sharing, or
416 hire or for any business use.

417 (d) Contribution against indemnification.—A shared vehicle
418 owner's motor vehicle insurer that defends or indemnifies a
419 claim against a shared vehicle which is excluded under the terms
420 of its policy has the right to seek contribution against the
421 motor vehicle insurer of the peer-to-peer car-sharing program if
422 the claim is:

423 1. Made against the shared vehicle owner or the shared
424 vehicle driver for loss or injury that occurs during the car-
425 sharing period; and

426 2. Excluded under the terms of its policy.

427 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a
428 motor vehicle owner registers as a shared vehicle owner on a
429 peer-to-peer car-sharing program and before the shared vehicle
430 owner may make a shared vehicle available for car sharing on the
431 peer-to-peer car-sharing program, the peer-to-peer car-sharing
432 program must notify the shared vehicle owner that, if the shared
433 vehicle has a lien against it, the use of the shared vehicle
434 through a peer-to-peer car-sharing program, including the use
435 without physical damage coverage, may violate the terms of the

8-00637-21

2021566__

436 contract with the lienholder.

437 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
438 shall:

439 (a) Collect and verify records pertaining to the use of a
440 shared vehicle, including, but not limited to, the times used,
441 fees paid by the shared vehicle driver, and revenues received by
442 the shared vehicle owner.

443 (b) Retain the records in paragraph (a) for a time period
444 not less than the applicable personal injury statute of
445 limitations.

446 (c) Provide the information contained in the records in
447 paragraph (a) upon request to the shared vehicle owner, the
448 shared vehicle owner's insurer, or the shared vehicle driver's
449 insurer to facilitate a claim coverage investigation.

450 (6) CONSUMER PROTECTIONS.—

451 (a) Disclosures.—Each peer-to-peer car-sharing program
452 agreement made in this state must disclose to the shared vehicle
453 owner and the shared vehicle driver:

454 1. Any right of the peer-to-peer car-sharing program to
455 seek indemnification from the shared vehicle owner or the shared
456 vehicle driver for economic loss resulting from a breach of the
457 terms and conditions of the peer-to-peer car-sharing program
458 agreement.

459 2. That a motor vehicle insurance policy issued to the
460 shared vehicle owner for the shared vehicle or to the shared
461 vehicle driver does not provide a defense or indemnification for
462 any claim asserted by the peer-to-peer car-sharing program.

463 3. That the peer-to-peer car-sharing program's insurance
464 coverage on the shared vehicle owner and the shared vehicle

8-00637-21

2021566__

465 driver is in effect only during each car-sharing period and
466 that, for any use of the shared vehicle by the shared vehicle
467 driver after the car-sharing termination time, the shared
468 vehicle driver and the shared vehicle owner may not have
469 insurance coverage.

470 4. The daily rate, fees, and, if applicable, any insurance
471 or protection package costs that are charged to the shared
472 vehicle owner or the shared vehicle driver.

473 5. That the shared vehicle owner's motor vehicle liability
474 insurance may exclude coverage for a shared vehicle.

475 6. An emergency telephone number of the personnel capable
476 of fielding calls for roadside assistance and other customer
477 service inquiries.

478 7. Any conditions under which a shared vehicle driver must
479 maintain a personal motor vehicle insurance policy with certain
480 applicable coverage limits on a primary basis in order to book a
481 shared vehicle.

482 (b) Driver license verification and data retention.—

483 1. A peer-to-peer car-sharing program may not enter into a
484 peer-to-peer car-sharing program agreement with a driver unless
485 the driver:

486 a. Holds a driver license issued under chapter 322 which
487 authorizes the driver to drive vehicles of the class of the
488 shared vehicle;

489 b. Is a nonresident who:

490 (I) Holds a driver license issued by the state or country
491 of the driver's residence which authorizes the driver in that
492 state or country to drive vehicles of the class of the shared
493 vehicle; and

8-00637-21

2021566__

494 (II) Is at least the same age as that required of a
495 resident to drive; or

496 c. Is otherwise specifically authorized by the Department
497 of Highway Safety and Motor Vehicles to drive vehicles of the
498 class of the shared vehicle.

499 2. A peer-to-peer car-sharing program shall keep a record
500 of:

501 a. The name and address of the shared vehicle driver;
502 b. The number of the driver license of the shared vehicle
503 driver and each other person, if any, who will operate the
504 shared vehicle; and

505 c. The place of issuance of the driver license.

506 (c) Responsibility for equipment.—A peer-to-peer car-
507 sharing program has sole responsibility for any equipment that
508 is put in or on the shared vehicle to monitor or facilitate the
509 peer-to-peer car-sharing transaction, including a GPS system.
510 The peer-to-peer car-sharing program shall indemnify and hold
511 harmless the shared vehicle owner for any damage to or theft of
512 such equipment during the car-sharing period which is not caused
513 by the shared vehicle owner. The peer-to-peer car-sharing
514 program may seek indemnity from the shared vehicle driver for
515 any damage to or loss of such equipment which occurs during the
516 car-sharing period.

517 (d) Motor vehicle safety recalls.—At the time a motor
518 vehicle owner registers as a shared vehicle owner on a peer-to-
519 peer car-sharing program and before the shared vehicle owner may
520 make a shared vehicle available for car sharing on the peer-to-
521 peer car-sharing program, the peer-to-peer car-sharing program
522 must:

8-00637-21

2021566__

523 1. Verify that the shared vehicle does not have any safety
524 recalls on the vehicle for which the repairs have not been made;
525 and

526 2. Notify the shared vehicle owner that if the shared
527 vehicle owner:

528 a. Has received an actual notice of a safety recall on the
529 vehicle, he or she may not make a vehicle available as a shared
530 vehicle on the peer-to-peer car-sharing program until the safety
531 recall repair has been made.

532 b. Receives an actual notice of a safety recall on a shared
533 vehicle while the shared vehicle is made available on the peer-
534 to-peer car-sharing program, he or she shall remove the shared
535 vehicle as available on the peer-to-peer car-sharing program as
536 soon as practicably possible after receiving the notice of the
537 safety recall and until the safety recall repair has been made.

538 c. Receives an actual notice of a safety recall while the
539 shared vehicle is in the possession of a shared vehicle driver,
540 he or she shall notify the peer-to-peer car-sharing program
541 about the safety recall as soon as practicably possible after
542 receiving the notice of the safety recall, so that he or she may
543 address the safety recall repair.

544 (7) CONSTRUCTION.—This section does not limit:

545 (a) The liability of a peer-to-peer car-sharing program for
546 any act or omission of the peer-to-peer car-sharing program
547 which results in bodily injury to a person as a result of the
548 use of a shared vehicle through peer-to-peer car sharing; or

549 (b) The ability of a peer-to-peer car-sharing program to
550 seek, by contract, indemnification from the shared vehicle owner
551 or the shared vehicle driver for economic loss resulting from a

8-00637-21

2021566__

552 breach of the terms and conditions of the peer-to-peer car-
553 sharing program agreement.

554 Section 4. This act shall take effect January 1, 2022.