

By the Committee on Banking and Insurance; and Senator Perry

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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; amending s. 212.0606, F.S.; defining terms;
7 specifying the applicable surcharge on motor vehicle
8 leases and rentals by motor vehicle rental companies
9 and peer-to-peer car-sharing programs; specifying
10 applicability of the surcharge; requiring motor
11 vehicle rental companies and peer-to-peer car-sharing
12 programs to collect specified surcharges; creating s.
13 627.7483, F.S.; defining terms; specifying motor
14 vehicle insurance requirements for peer-to-peer car-
15 sharing programs; providing that peer-to-peer car-
16 sharing programs have an insurable interest in shared
17 vehicles during specified periods; providing
18 construction; authorizing peer-to-peer car-sharing
19 programs to own and maintain certain motor vehicle
20 insurance policies; requiring peer-to-peer car-sharing
21 programs to assume certain liability; providing
22 exceptions; providing for the assumption of primary
23 liability for claims when certain disputes exist;
24 requiring shared vehicle owners' insurers to indemnify
25 peer-to-peer car-sharing programs under certain
26 circumstances; providing exemptions from vicarious
27 liabilities for peer-to-peer car-sharing programs and
28 shared vehicle owners; authorizing motor vehicle
29 insurers to exclude specified coverages under certain

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30 circumstances; providing construction related to
31 exclusions; authorizing specified insurers to seek
32 recovery against motor vehicle insurers of peer-to-
33 peer car-sharing programs under certain circumstances;
34 requiring peer-to-peer car-sharing programs to provide
35 certain information to shared vehicle owners regarding
36 liens; specifying recordkeeping, record retention, and
37 record-sharing requirements for peer-to-peer car-
38 sharing programs; specifying disclosure requirements
39 for peer-to-peer car-sharing program agreements;
40 specifying driver license verification and data
41 retention requirements for peer-to-peer car-sharing
42 programs; providing that peer-to-peer car-sharing
43 programs have sole responsibility for certain
44 equipment in or on a shared vehicle; providing for
45 indemnification regarding such equipment; specifying
46 requirements for peer-to-peer car-sharing programs
47 relating to safety recalls on a shared vehicle;
48 providing construction; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Paragraph (c) of subsection (1) of section
53 212.05, Florida Statutes, is amended to read:

54 212.05 Sales, storage, use tax.—It is hereby declared to be
55 the legislative intent that every person is exercising a taxable
56 privilege who engages in the business of selling tangible
57 personal property at retail in this state, including the
58 business of making mail order sales, or who rents or furnishes

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59 any of the things or services taxable under this chapter, or who
60 stores for use or consumption in this state any item or article
61 of tangible personal property as defined herein and who leases
62 or rents such property within the state.

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

66 (c) At the rate of 6 percent of the gross proceeds derived
67 from the lease or rental of tangible personal property, as
68 defined herein; however, the following special provisions apply
69 to the lease or rental of motor vehicles and to peer-to-peer
70 car-sharing programs:

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

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

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

80 2. Except as provided in subparagraph 3., for the lease or
81 rental of a motor vehicle for a period of not less than 12
82 months, sales tax is due on the lease or rental payments if the
83 vehicle is registered in this state; provided, however, that no
84 tax shall be due if the taxpayer documents use of the motor
85 vehicle outside this state and tax is being paid on the lease or
86 rental payments in another state.

87 3. The tax imposed by this chapter does not apply to the

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88 lease or rental of a commercial motor vehicle as defined in s.
89 316.003(13) (a) to one lessee or rentee for a period of not less
90 than 12 months when tax was paid on the purchase price of such
91 vehicle by the lessor. To the extent tax was paid with respect
92 to the purchase of such vehicle in another state, territory of
93 the United States, or the District of Columbia, the Florida tax
94 payable shall be reduced in accordance with the provisions of s.
95 212.06(7). This subparagraph shall only be available when the
96 lease or rental of such property is an established business or
97 part of an established business or the same is incidental or
98 germane to such business.

99 Section 2. Section 212.0606, Florida Statutes, is amended
100 to read:

101 212.0606 Rental car surcharge.—

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

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

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

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

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

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

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

115 6. Without a separate fee for minimum financial
116 responsibility liability insurance; and

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117 7. Owned or controlled by the car-sharing service or its
118 affiliates.

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

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

124 (2) Except as provided in subsections (3), (4), and (5)
125 subsection ~~(2)~~, a surcharge of \$2 per day or any part of a day
126 is imposed upon the lease or rental by a motor vehicle rental
127 company of a motor vehicle that is licensed for hire and
128 designed to carry fewer than nine passengers, regardless of
129 whether the motor vehicle is licensed in this state, for
130 financial consideration and without transfer of the title of the
131 motor vehicle. The surcharge is imposed regardless of whether
132 the lease or rental occurs in person or through digital means.
133 The surcharge applies to only the first 30 days of the term of a
134 lease or rental and must be collected by the motor vehicle
135 rental company. The surcharge is subject to all applicable taxes
136 imposed by this chapter.

137 (3) A surcharge of \$1 per day or any part of a day is
138 imposed upon each peer-to-peer car-sharing program agreement
139 involving a shared vehicle that is registered in this state and
140 designed to carry fewer than nine passengers for financial
141 consideration and without transfer of the title of the shared
142 vehicle. If the duration of the car-sharing period for a peer-
143 to-peer car-sharing program agreement subject to the surcharge
144 established pursuant to this section is less than 24 hours, the
145 applicable surcharge will be \$1 per usage. The surcharge applies

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146 to the first 30 days only of a car-sharing period for any peer-
147 to-peer car-sharing program agreement to which the surcharge
148 applies and must be collected by the peer-to-peer car-sharing
149 program. The surcharge is subject to all applicable taxes
150 imposed by this chapter.

151 (4) A surcharge of \$1 per usage is imposed upon the lease
152 or rental for less than 24 hours by a motor vehicle rental
153 company of a motor vehicle that is licensed for hire and
154 designed to carry fewer than nine passengers, regardless of
155 whether the motor vehicle is licensed in this state, for
156 financial consideration and without transfer of the title of the
157 motor vehicle. The surcharge is imposed regardless of whether
158 the lease or rental occurs in person or through digital means.
159 The surcharge is subject to all applicable taxes imposed by this
160 chapter.

161 (5)~~(2)~~ A member of a car-sharing service who uses a motor
162 vehicle as described in subsection (2) ~~(1)~~ for less than 24
163 hours pursuant to an agreement with the car-sharing service
164 shall pay a surcharge of \$1 per usage. A member of a car-sharing
165 service who uses the same motor vehicle for 24 hours or more
166 shall pay a surcharge of \$2 per day or any part of a day as
167 provided in subsection (2) ~~(1)~~. The car-sharing service shall
168 collect the surcharge ~~For purposes of this subsection, the term~~
169 ~~"car-sharing service" means a membership-based organization or~~
170 ~~business, or division thereof, which requires the payment of an~~
171 ~~application or membership fee and provides member access to~~
172 ~~motor vehicles:~~

173 ~~(a) Only at locations that are not staffed by car-sharing~~
174 ~~service personnel employed solely for the purpose of interacting~~

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175 ~~with car sharing service members;~~
176 ~~(b) Twenty four hours per day, 7 days per week;~~
177 ~~(c) Only through automated means, including, but not~~
178 ~~limited to, smartphone applications or electronic membership~~
179 ~~cards;~~
180 ~~(d) On an hourly basis or for a shorter increment of time;~~
181 ~~(e) Without a separate fee for refueling the motor vehicle;~~
182 ~~(f) Without a separate fee for minimum financial~~
183 ~~responsibility liability insurance; and~~
184 ~~(g) Owned or controlled by the car sharing service or its~~
185 ~~affiliates.~~

186
187 The surcharge imposed under this subsection does not apply to
188 the lease, rental, or use of a motor vehicle from a location
189 owned, operated, or leased by or for the benefit of an airport
190 or airport authority.

191 (6) (a) (3) (a) Notwithstanding s. 212.20, and less the costs
192 of administration, 80 percent of the proceeds of this surcharge
193 shall be deposited in the State Transportation Trust Fund, 15.75
194 percent of the proceeds of this surcharge shall be deposited in
195 the Tourism Promotional Trust Fund created in s. 288.122, and
196 4.25 percent of the proceeds of this surcharge shall be
197 deposited in the Florida International Trade and Promotion Trust
198 Fund. For the purposes of this subsection, the term "proceeds of
199 this surcharge" ~~of the surcharge~~ means all funds collected and
200 received by the department under this section, including
201 interest and penalties on delinquent surcharges. The department
202 shall provide the Department of Transportation rental car
203 surcharge revenue information for the previous state fiscal year

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204 by September 1 of each year.

205 (b) Notwithstanding any other ~~provision of~~ law, the
206 proceeds deposited in the State Transportation Trust Fund shall
207 be allocated on an annual basis in the Department of
208 Transportation's work program to each department district,
209 except the Turnpike District. The amount allocated to each
210 district shall be based on the amount of proceeds attributed to
211 the counties within each respective district.

212 (7) (a) ~~(4)~~ Except as provided in this section, the
213 department shall administer, collect, and enforce the surcharges
214 ~~surcharge~~ as provided in this chapter.

215 (b) ~~(a)~~ The department shall require a dealer or peer-to-
216 peer car-sharing program dealers to report surcharge collections
217 according to the county to which the surcharge was attributed.
218 For purposes of this section, the surcharge shall be attributed
219 to the county in which ~~where~~ the rental agreement was entered
220 into, except that, for peer-to-peer car-sharing, the surcharge
221 shall be attributable to the county corresponding to the
222 location of the motor vehicle at the car-sharing start time.

223 (c) ~~(b)~~ A dealer or peer-to-peer car-sharing program that
224 collects a ~~Dealers who collect the rental car surcharge~~ pursuant
225 to this section shall report to the department all surcharge
226 revenues attributed to the county where the rental agreement was
227 entered into on a timely filed return for each required
228 reporting period; except that, in the case of peer-to-peer car-
229 sharing, the peer-to-peer car-sharing program shall report the
230 applicable surcharge revenue attributed to the county
231 corresponding to the location of the motor vehicle at the car
232 sharing start time. The provisions of this chapter which apply

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233 to interest and penalties on delinquent taxes apply to the
234 surcharge. The surcharge shall not be included in the
235 calculation of estimated taxes pursuant to s. 212.11. The
236 dealer's credit provided in s. 212.12 does not apply to any
237 amount collected under this section.

238 (8)~~(5)~~ The surcharge imposed by this section does not apply
239 to a motor vehicle or a shared vehicle provided at no charge to
240 a person whose motor vehicle is being repaired, adjusted, or
241 serviced by the entity providing the replacement motor vehicle.

242 Section 3. Section 627.7483, Florida Statutes, is created
243 to read:

244 627.7483 Peer-to-peer car sharing; insurance requirements.-

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

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

250 (b) "Car-sharing period" means the period of time that
251 commences either at the car-sharing delivery period or, if there
252 is no car-sharing delivery period, at the car-sharing start time
253 and that ends at the car-sharing termination time.

254 (c) "Car-sharing start time" means the time when the shared
255 vehicle is under the control of the shared vehicle driver, which
256 time occurs at or after the time the reservation of the shared
257 vehicle is scheduled to begin, as documented in the records of a
258 peer-to-peer car-sharing program.

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

261 1. The expiration of the agreed-upon period of time

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262 established for the use of a shared vehicle according to the
263 terms of the peer-to-peer car-sharing program agreement if the
264 shared vehicle is delivered to the location agreed upon in the
265 peer-to-peer car-sharing program agreement;

266 2. The time the shared vehicle is returned to a location as
267 alternatively agreed upon by the shared vehicle owner and shared
268 vehicle driver, as communicated through a peer-to-peer car-
269 sharing program, which alternatively agreed-upon location must
270 be incorporated into the peer-to-peer car-sharing program
271 agreement; or

272 3. The time the shared vehicle owner takes possession and
273 control of the shared vehicle.

274 (e) "Peer-to-peer car sharing" or "car sharing" means the
275 authorized use of a motor vehicle by an individual other than
276 the vehicle's owner through a peer-to-peer car-sharing program.
277 For the purposes of this section, the term does not include the
278 renting of a motor vehicle through a rental car company, the use
279 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
280 as defined in s. 341.031(9), a carpool as defined in s.
281 450.28(3), or the use of a motor vehicle under an agreement for
282 a car-sharing service as defined in s. 212.0606(1).

283 (f) "Peer-to-peer car-sharing program" means a business
284 platform that enables peer-to-peer car sharing by connecting
285 motor vehicle owners with drivers for financial consideration.
286 For the purposes of this section, the term does not include a
287 rental car company, a car-sharing service as defined in s.
288 212.0606(1), a taxicab association, the owner of a for-hire
289 vehicle as defined in s. 320.01(15), or a service provider that
290 is solely providing hardware or software as a service to a

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291 person or an entity that is not effectuating payment of
292 financial consideration for use of a shared vehicle.

293 (g) "Peer-to-peer car-sharing program agreement" means the
294 terms and conditions established by the peer-to-peer car-sharing
295 program which are applicable to a shared vehicle owner and a
296 shared vehicle driver and which govern the use of a shared
297 vehicle through a peer-to-peer car-sharing program. For the
298 purposes of this section, the term does not include a rental
299 agreement or an agreement for a for-hire vehicle as defined in
300 s. 320.01(15) or for a car-sharing service as defined in s.
301 212.0606(1).

302 (h) "Shared vehicle" means a motor vehicle that is
303 available for sharing through a peer-to-peer car-sharing
304 program. For the purposes of this section, the term does not
305 include a rental car, a for-hire vehicle as defined in s.
306 320.01(15), or a motor vehicle used for ridesharing as defined
307 in s. 341.031(9), for a carpool as defined in s. 450.28(3), or
308 for a car-sharing service as defined in s. 212.0606(1).

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

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

318 (2) INSURANCE COVERAGE REQUIREMENTS.-

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

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

323 a. Property damage liability coverage that meets the
324 minimum coverage amounts required under s. 324.022.

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

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

329 d. Uninsured and underinsured vehicle coverage as required
330 under s. 627.727.

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

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

336 b. Does not exclude the use of a shared vehicle by a shared
337 vehicle driver.

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

340 a. A shared vehicle owner;

341 b. A shared vehicle driver;

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

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

345 2. The insurance policy maintained in subparagraph 1. which
346 satisfies the insurance requirements under paragraph (a) is
347 primary during each car-sharing period. If a claim occurs during
348 the car-sharing period in another state with minimum financial

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349 responsibility limits higher than those limits required under
350 chapter 324, the coverage maintained under paragraph (a)
351 satisfies the difference in minimum coverage amounts up to the
352 applicable policy limits.

353 3.a. If the insurance maintained by a shared vehicle owner
354 or shared vehicle driver in accordance with subparagraph 1. has
355 lapsed or does not provide the coverage required under paragraph
356 (a), the insurance maintained by the peer-to-peer car-sharing
357 program must provide the coverage required under paragraph (a),
358 beginning with the first dollar of a claim, and must defend such
359 claim, except under circumstances as set forth in subparagraph
360 (3) (a)2.

361 b. Coverage under a motor vehicle insurance policy
362 maintained by the peer-to-peer car-sharing program must not be
363 dependent on another motor vehicle insurer first denying a
364 claim, and another motor vehicle insurance policy is not
365 required to first deny a claim.

366 c. Notwithstanding any other law, statute, rule, or
367 regulation to the contrary, a peer-to-peer car-sharing program
368 has an insurable interest in a shared vehicle during the car-
369 sharing period. This sub-subparagraph does not create liability
370 for a peer-to-peer car-sharing program for maintaining the
371 coverage required under paragraph (a) and under this paragraph,
372 if applicable.

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

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

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378 (II) Liability of the shared vehicle owner;
379 (III) Liability of the shared vehicle driver;
380 (IV) Damage or loss to the shared motor vehicle; or
381 (V) Damage, loss, or injury to persons or property to
382 satisfy the personal injury protection and uninsured and
383 underinsured motorist coverage requirements of this section.
384 e. Insurance required under paragraph (a), when maintained
385 by a peer-to-peer car-sharing program, may be provided by an
386 insurer authorized to do business in this state which is a
387 member of the Florida Insurance Guaranty Association or an
388 eligible surplus lines insurer that has a superior, excellent,
389 exceptional, or equivalent financial strength rating by a rating
390 agency acceptable to the office. A peer-to-peer car-sharing
391 program is not transacting in insurance when it maintains the
392 insurance required under this section.
393 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-
394 (a) Liability.-
395 1. A peer-to-peer car-sharing program shall assume
396 liability, except as provided in subparagraph 2., of a shared
397 vehicle owner for bodily injury or property damage to third
398 parties or uninsured and underinsured motorist or personal
399 injury protection losses during the car-sharing period in an
400 amount stated in the peer-to-peer car-sharing program agreement,
401 which amount may not be less than those set forth in ss.
402 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
403 respectively.
404 2. The assumption of liability under subparagraph 1. does
405 not apply if a shared vehicle owner:
406 a. Makes an intentional or fraudulent material

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407 misrepresentation or omission to the peer-to-peer car-sharing
408 program before the car-sharing period in which the loss occurs;
409 or

410 b. Acts in concert with a shared vehicle driver who fails
411 to return the shared vehicle pursuant to the terms of the peer-
412 to-peer car-sharing program agreement.

413 3. The insurer, insurers, or peer-to-peer car-sharing
414 program providing coverage under paragraph (2) (a) shall assume
415 primary liability for a claim when:

416 a. A dispute exists over who was in control of the shared
417 motor vehicle at the time of the loss, and the peer-to-peer car-
418 sharing program does not have available, did not retain, or
419 fails to provide the information required under subsection (5);
420 or

421 b. A dispute exists over whether the shared vehicle was
422 returned to the alternatively agreed-upon location as required
423 under subparagraph (1) (d) 2.

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

429 (c) Exclusions in motor vehicle insurance policies.—An
430 authorized insurer that writes motor vehicle liability insurance
431 in this state may exclude any coverage and the duty to defend or
432 indemnify for any claim under a shared vehicle owner's motor
433 vehicle insurance policy, including, but not limited to:

434 1. Liability coverage for bodily injury and property
435 damage;

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- 436 2. Personal injury protection coverage;
437 3. Uninsured and underinsured motorist coverage;
438 4. Medical payments coverage;
439 5. Comprehensive physical damage coverage; and
440 6. Collision physical damage coverage.

441
442 This paragraph does not invalidate or limit any exclusion
443 contained in a motor vehicle insurance policy, including any
444 insurance policy in use or approved for use which excludes
445 coverage for motor vehicles made available for rent, sharing, or
446 hire or for any business use. This paragraph does not
447 invalidate, limit, or restrict an insurer's ability under
448 existing law to underwrite, cancel, or nonrenew any insurance
449 policy.

450 (d) Contribution against indemnification.—A shared vehicle
451 owner's motor vehicle insurer that defends or indemnifies a
452 claim against a shared vehicle which is excluded under the terms
453 of its policy has the right to seek recovery against the motor
454 vehicle insurer of the peer-to-peer car-sharing program if the
455 claim is:

456 1. Made against the shared vehicle owner or the shared
457 vehicle driver for loss or injury that occurs during the car-
458 sharing period; and

459 2. Excluded under the terms of its policy.

460 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a
461 motor vehicle owner registers as a shared vehicle owner on a
462 peer-to-peer car-sharing program and before the shared vehicle
463 owner may make a shared vehicle available for car sharing on the
464 peer-to-peer car-sharing program, the peer-to-peer car-sharing

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465 program must notify the shared vehicle owner that, if the shared
466 vehicle has a lien against it, the use of the shared vehicle
467 through a peer-to-peer car-sharing program, including the use
468 without physical damage coverage, may violate the terms of the
469 contract with the lienholder.

470 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
471 shall:

472 (a) Collect and verify records pertaining to the use of a
473 shared vehicle, including, but not limited to, the times used,
474 car-sharing period pick up and drop off locations, and revenues
475 received by the shared vehicle owner;

476 (b) Retain the records in paragraph (a) for a time period
477 not less than the applicable personal injury statute of
478 limitations; and

479 (c) Provide the information contained in the records in
480 paragraph (a) upon request to the shared vehicle owner, the
481 shared vehicle owner's insurer, or the shared vehicle driver's
482 insurer to facilitate a claim coverage investigation,
483 settlement, negotiation, or litigation.

484 (6) CONSUMER PROTECTIONS.—

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

488 1. Any right of the peer-to-peer car-sharing program to
489 seek indemnification from the shared vehicle owner or the shared
490 vehicle driver for economic loss resulting from a breach of the
491 terms and conditions of the peer-to-peer car-sharing program
492 agreement.

493 2. That a motor vehicle insurance policy issued to the

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494 shared vehicle owner for the shared vehicle or to the shared
495 vehicle driver does not provide a defense or indemnification for
496 any claim asserted by the peer-to-peer car-sharing program.

497 3. That the peer-to-peer car-sharing program's insurance
498 coverage on the shared vehicle owner and the shared vehicle
499 driver is in effect only during each car-sharing period and
500 that, for any use of the shared vehicle by the shared vehicle
501 driver after the car-sharing termination time, the shared
502 vehicle driver and the shared vehicle owner may not have
503 insurance coverage.

504 4. The daily rate and, if applicable, any insurance or
505 protection package costs that are charged to the shared vehicle
506 owner or the shared vehicle driver.

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

509 6. An emergency telephone number of the personnel capable
510 of fielding calls for roadside assistance and other customer
511 service inquiries.

512 7. Any conditions under which a shared vehicle driver must
513 maintain a personal motor vehicle insurance policy with certain
514 applicable coverage limits on a primary basis in order to book a
515 shared vehicle.

516 (b) Driver license verification and data retention.-

517 1. A peer-to-peer car-sharing program may not enter into a
518 peer-to-peer car-sharing program agreement with a driver unless
519 the driver:

520 a. Holds a driver license issued under chapter 322 which
521 authorizes the driver to drive vehicles of the class of the
522 shared vehicle;

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523 b. Is a nonresident who:

524 (I) Holds a driver license issued by the state or country
525 of the driver's residence which authorizes the driver in that
526 state or country to drive vehicles of the class of the shared
527 vehicle; and

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

530 c. Is otherwise specifically authorized by the Department
531 of Highway Safety and Motor Vehicles to drive vehicles of the
532 class of the shared vehicle.

533 2. A peer-to-peer car-sharing program shall keep a record
534 of:

535 a. The name and address of the shared vehicle driver;

536 b. The driver license number of the shared vehicle driver
537 and each other person, if any, who will operate the shared
538 vehicle; and

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

540 (c) Responsibility for equipment.—A peer-to-peer car-
541 sharing program has sole responsibility for any equipment that
542 is put in or on the shared vehicle to monitor or facilitate the
543 peer-to-peer car-sharing transaction, including a GPS system.
544 The peer-to-peer car-sharing program shall indemnify and hold
545 harmless the shared vehicle owner for any damage to or theft of
546 such equipment during the car-sharing period which is not caused
547 by the shared vehicle owner. The peer-to-peer car-sharing
548 program may seek indemnity from the shared vehicle driver for
549 any damage to or loss of such equipment which occurs during the
550 car-sharing period.

551 (d) Motor vehicle safety recalls.—At the time a motor

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552 vehicle owner registers as a shared vehicle owner on a peer-to-
553 peer car-sharing program and before the shared vehicle owner may
554 make a shared vehicle available for car sharing on the peer-to-
555 peer car-sharing program, the peer-to-peer car-sharing program
556 must:

557 1. Verify that the shared vehicle does not have any safety
558 recalls on the vehicle for which the repairs have not been made;
559 and

560 2. Notify the shared vehicle owner that if the shared
561 vehicle owner:

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

566 b. Receives an actual notice of a safety recall on a shared
567 vehicle while the shared vehicle is made available on the peer-
568 to-peer car-sharing program, he or she shall remove the shared
569 vehicle as available on the peer-to-peer car-sharing program as
570 soon as practicably possible after receiving the notice of the
571 safety recall and until the safety recall repair has been made.

572 c. Receives an actual notice of a safety recall while the
573 shared vehicle is in the possession of a shared vehicle driver,
574 he or she shall notify the peer-to-peer car-sharing program
575 about the safety recall as soon as practicably possible after
576 receiving the notice of the safety recall, so that he or she may
577 address the safety recall repair.

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

579 (a) The liability of a peer-to-peer car-sharing program for
580 any act or omission of the peer-to-peer car-sharing program

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581 which results in the bodily injury of a person as a result of
582 the use of a shared vehicle through peer-to-peer car sharing; or

583 (b) The ability of a peer-to-peer car-sharing program to
584 seek, by contract, indemnification from the shared vehicle owner
585 or the shared vehicle driver for economic loss resulting from a
586 breach of the terms and conditions of the peer-to-peer car-
587 sharing program agreement.

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