

By the Committees on Appropriations; and 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; 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 surcharge on motor vehicle leases and
10 rentals by motor vehicle rental companies; specifying
11 applicability of the surcharge; requiring motor
12 vehicle rental companies to collect specified
13 surcharges; specifying the applicable rental car
14 surcharge on peer-to-peer car-sharing program
15 agreements involving shared vehicles; specifying
16 applicability of the surcharge; requiring peer-to-peer
17 car-sharing programs to collect specified surcharges;
18 requiring car-sharing services to collect specified
19 surcharges; defining the term "proceeds of this
20 surcharge", rather than "proceeds of the surcharge";
21 providing that the surcharge for peer-to-peer car-
22 sharing is attributable to the county corresponding to
23 the location of the motor vehicle at the car-sharing
24 start time; requiring a dealer to report collected
25 surcharge revenue accordingly; providing an exception;
26 providing for application of a surcharge to a shared
27 vehicle; creating s. 627.7483, F.S.; defining terms;
28 specifying motor vehicle insurance requirements for
29 peer-to-peer car-sharing programs; providing that

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30 peer-to-peer car-sharing programs have an insurable
31 interest in shared vehicles during specified periods;
32 providing construction; authorizing peer-to-peer car-
33 sharing programs to own and maintain certain motor
34 vehicle insurance policies; requiring peer-to-peer
35 car-sharing programs to assume certain liability;
36 providing exceptions; providing for the assumption of
37 primary liability for claims when certain disputes
38 exist; requiring shared vehicle owners' insurers to
39 indemnify peer-to-peer car-sharing programs under
40 certain circumstances; providing exemptions from
41 vicarious liabilities for peer-to-peer car-sharing
42 programs and shared vehicle owners; authorizing motor
43 vehicle insurers to exclude specified coverages under
44 certain circumstances; providing construction related
45 to exclusions; authorizing specified insurers to seek
46 recovery against motor vehicle insurers of peer-to-
47 peer car-sharing programs under certain circumstances;
48 requiring peer-to-peer car-sharing programs to provide
49 certain information to shared vehicle owners regarding
50 liens; specifying recordkeeping, record retention, and
51 record-sharing requirements for peer-to-peer car-
52 sharing programs; specifying disclosure requirements
53 for peer-to-peer car-sharing program agreements;
54 specifying driver license verification and data
55 retention requirements for peer-to-peer car-sharing
56 programs; providing that peer-to-peer car-sharing
57 programs have sole responsibility for certain
58 equipment in or on a shared vehicle; providing for

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59 indemnification regarding such equipment; specifying
60 requirements for peer-to-peer car-sharing programs
61 relating to safety recalls on a shared vehicle;
62 providing construction; providing an effective date.
63

64 Be It Enacted by the Legislature of the State of Florida:
65

66 Section 1. Paragraph (c) of subsection (1) of section
67 212.05, Florida Statutes, is amended to read:

68 212.05 Sales, storage, use tax.—It is hereby declared to be
69 the legislative intent that every person is exercising a taxable
70 privilege who engages in the business of selling tangible
71 personal property at retail in this state, including the
72 business of making mail order sales, or who rents or furnishes
73 any of the things or services taxable under this chapter, or who
74 stores for use or consumption in this state any item or article
75 of tangible personal property as defined herein and who leases
76 or rents such property within the state.

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

80 (c) At the rate of 6 percent of the gross proceeds derived
81 from the lease or rental of tangible personal property, as
82 defined herein; however, the following special provisions apply
83 to the lease or rental of motor vehicles and to peer-to-peer
84 car-sharing programs:

85 1. When a motor vehicle is leased or rented by a motor
86 vehicle rental company or through a peer-to-peer car-sharing
87 program as those terms are defined in s. 212.0606(1) for a

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88 period of less than 12 months:

89 a. If the motor vehicle is rented in Florida, the entire
90 amount of such rental is taxable, even if the vehicle is dropped
91 off in another state.

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

94 c. If the motor vehicle is rented through a peer-to-peer
95 car-sharing program, the peer-to-peer car-sharing program shall
96 collect and remit the applicable tax due in connection with the
97 rental.

98 2. Except as provided in subparagraph 3., for the lease or
99 rental of a motor vehicle for a period of not less than 12
100 months, sales tax is due on the lease or rental payments if the
101 vehicle is registered in this state; provided, however, that no
102 tax shall be due if the taxpayer documents use of the motor
103 vehicle outside this state and tax is being paid on the lease or
104 rental payments in another state.

105 3. The tax imposed by this chapter does not apply to the
106 lease or rental of a commercial motor vehicle as defined in s.
107 316.003(13) (a) to one lessee or rentee for a period of not less
108 than 12 months when tax was paid on the purchase price of such
109 vehicle by the lessor. To the extent tax was paid with respect
110 to the purchase of such vehicle in another state, territory of
111 the United States, or the District of Columbia, the Florida tax
112 payable shall be reduced in accordance with ~~the provisions of s.~~
113 212.06(7). This subparagraph shall only be available when the
114 lease or rental of such property is an established business or
115 part of an established business or the same is incidental or
116 germane to such business.

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117 Section 2. Section 212.0606, Florida Statutes, is amended
118 to read:

119 212.0606 Rental car surcharge.—

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

121 (a) “Car-sharing service” means a membership-based
122 organization or business, or division thereof, which requires
123 the payment of an application fee or a membership fee and
124 provides member access to motor vehicles:

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

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

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

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

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

133 6. Without a separate fee for minimum financial
134 responsibility liability insurance; and

135 7. Owned or controlled by the car-sharing service or its
136 affiliates.

137 (b) “Motor vehicle rental company” means an entity that is
138 in the business of providing, for financial consideration, motor
139 vehicles to the public under a rental agreement.

140 (c) “Peer-to-peer car-sharing program” has the same meaning
141 as in s. 627.7483(1).

142 (2) Except as provided in subsections (3) and (4)
143 subsection (2), a surcharge of \$2 per day or any part of a day
144 is imposed upon the lease or rental by a motor vehicle rental
145 company of a motor vehicle that is licensed for hire and

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146 designed to carry fewer than nine passengers, regardless of
147 whether the motor vehicle is licensed in this state, for
148 financial consideration and without transfer of the title of the
149 motor vehicle. The surcharge is imposed regardless of whether
150 the lease or rental occurs in person or through digital means.
151 The surcharge applies to only the first 30 days of the term of a
152 lease or rental and must be collected by the motor vehicle
153 rental company. The surcharge is subject to all applicable taxes
154 imposed by this chapter.

155 (3) A surcharge of \$1 per day or any part of a day is
156 imposed upon each peer-to-peer car-sharing program agreement
157 involving a shared vehicle that is registered in this state and
158 designed to carry fewer than nine passengers for financial
159 consideration and without transfer of the title of the shared
160 vehicle. If the duration of the car-sharing period for a peer-
161 to-peer car-sharing program agreement subject to the surcharge
162 established pursuant to this section is less than 24 hours, the
163 applicable surcharge will be \$1 per usage. The surcharge applies
164 to the first 30 days only of a car-sharing period for any peer-
165 to-peer car-sharing program agreement to which the surcharge
166 applies and must be collected by the peer-to-peer car-sharing
167 program. The surcharge is subject to all applicable taxes
168 imposed by this chapter.

169 (4)~~(2)~~ A member of a car-sharing service who uses a motor
170 vehicle as described in subsection (2) ~~(1)~~ for less than 24
171 hours pursuant to an agreement with the car-sharing service
172 shall pay a surcharge of \$1 per usage. A member of a car-sharing
173 service who uses the same motor vehicle for 24 hours or more
174 shall pay a surcharge of \$2 per day or any part of a day as

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175 provided in subsection (2) ~~(1)~~. The car-sharing service shall
176 collect the surcharge ~~For purposes of this subsection, the term~~
177 ~~"car-sharing service" means a membership-based organization or~~
178 ~~business, or division thereof, which requires the payment of an~~
179 ~~application or membership fee and provides member access to~~
180 ~~motor vehicles:~~

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

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

185 ~~(c) Only through automated means, including, but not~~
186 ~~limited to, smartphone applications or electronic membership~~
187 ~~cards;~~

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

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

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

192 ~~(g) Owned or controlled by the car-sharing service or its~~
193 ~~affiliates. The surcharge imposed under this subsection does not~~
194 ~~apply to the lease, rental, or use of a motor vehicle from a~~
195 ~~location owned, operated, or leased by or for the benefit of an~~
196 ~~airport or airport authority.~~

197 (5) (a) ~~(3) (a)~~ Notwithstanding s. 212.20, and less the costs
198 of administration, 80 percent of the proceeds of this surcharge
199 shall be deposited in the State Transportation Trust Fund, 15.75
200 percent of the proceeds of this surcharge shall be deposited in
201 the Tourism Promotional Trust Fund created in s. 288.122, and
202 4.25 percent of the proceeds of this surcharge shall be
203 deposited in the Florida International Trade and Promotion Trust

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204 Fund. For the purposes of this subsection, the term "proceeds of
205 this surcharge" ~~of the surcharge~~ means all funds collected and
206 received by the department under this section, including
207 interest and penalties on delinquent surcharges. The department
208 shall provide the Department of Transportation rental car
209 surcharge revenue information for the previous state fiscal year
210 by September 1 of each year.

211 (b) Notwithstanding any other ~~provision of law~~, the
212 proceeds deposited in the State Transportation Trust Fund shall
213 be allocated on an annual basis in the Department of
214 Transportation's work program to each department district,
215 except the Turnpike District. The amount allocated to each
216 district shall be based on the amount of proceeds attributed to
217 the counties within each respective district.

218 (6) (a) (4) Except as provided in this section, the
219 department shall administer, collect, and enforce the surcharges
220 ~~surcharge~~ as provided in this chapter.

221 (b) (a) The department shall require a dealer ~~dealers~~ to
222 report surcharge collections according to the county to which
223 the surcharge was attributed. For purposes of this section, the
224 surcharge shall be attributed to the county in which ~~where~~ the
225 rental agreement was entered into, except that, for peer-to-peer
226 car-sharing, the surcharge shall be attributable to the county
227 corresponding to the location of the motor vehicle at the car-
228 sharing start time.

229 (c) (b) A dealer that collects a ~~Dealers who collect the~~
230 ~~rental car~~ surcharge pursuant to this section shall report to
231 the department all surcharge revenues attributed to the county
232 where the rental agreement was entered into on a timely filed

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233 return for each required reporting period; except that, in the
234 case of peer-to-peer car-sharing, the peer-to-peer car-sharing
235 program shall report the applicable surcharge revenue attributed
236 to the county corresponding to the location of the motor vehicle
237 at the car-sharing start time. The provisions of this chapter
238 which apply to interest and penalties on delinquent taxes apply
239 to the surcharge. The surcharge shall not be included in the
240 calculation of estimated taxes pursuant to s. 212.11. The
241 dealer's credit provided in s. 212.12 does not apply to any
242 amount collected under this section.

243 (7) ~~(5)~~ The surcharge imposed by this section does not apply
244 to a motor vehicle or a shared vehicle provided at no charge to
245 a person whose motor vehicle is being repaired, adjusted, or
246 serviced by the entity providing the replacement motor vehicle.

247 Section 3. Section 627.7483, Florida Statutes, is created
248 to read:

249 627.7483 Peer-to-peer car sharing; insurance requirements.-

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

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

255 (b) "Car-sharing period" means the period of time that
256 commences either at the car-sharing delivery period or, if there
257 is no car-sharing delivery period, at the car-sharing start time
258 and that ends at the car-sharing termination time.

259 (c) "Car-sharing start time" means the time when the shared
260 vehicle is under the control of the shared vehicle driver, which
261 time occurs at or after the time the reservation of the shared

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262 vehicle is scheduled to begin, as documented in the records of a
263 peer-to-peer car-sharing program.

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

266 1. The expiration of the agreed-upon period of time
267 established for the use of a shared vehicle according to the
268 terms of the peer-to-peer car-sharing program agreement if the
269 shared vehicle is delivered to the location agreed upon in the
270 peer-to-peer car-sharing program agreement;

271 2. The time the shared vehicle is returned to a location as
272 alternatively agreed upon by the shared vehicle owner and shared
273 vehicle driver, as communicated through a peer-to-peer car-
274 sharing program, which alternatively agreed-upon location must
275 be incorporated into the peer-to-peer car-sharing program
276 agreement; or

277 3. The time the shared vehicle owner takes possession and
278 control of the shared vehicle.

279 (e) "Peer-to-peer car sharing" or "car sharing" means the
280 authorized use of a motor vehicle by an individual other than
281 the vehicle's owner through a peer-to-peer car-sharing program.
282 For the purposes of this section, the term does not include the
283 renting of a motor vehicle through a rental car company, the use
284 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
285 as defined in s. 341.031(9), a carpool as defined in s.
286 450.28(3), or the use of a motor vehicle under an agreement for
287 a car-sharing service as defined in s. 212.0606(1).

288 (f) "Peer-to-peer car-sharing program" means a business
289 platform that enables peer-to-peer car sharing by connecting
290 motor vehicle owners with drivers for financial consideration.

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291 For the purposes of this section, the term does not include a
292 rental car company, a car-sharing service as defined in s.
293 212.0606(1), a taxicab association, the owner of a for-hire
294 vehicle as defined in s. 320.01(15), or a service provider that
295 is solely providing hardware or software as a service to a
296 person or an entity that is not effectuating payment of
297 financial consideration for use of a shared vehicle.

298 (g) "Peer-to-peer car-sharing program agreement" means the
299 terms and conditions established by the peer-to-peer car-sharing
300 program which are applicable to a shared vehicle owner and a
301 shared vehicle driver and which govern the use of a shared
302 vehicle through a peer-to-peer car-sharing program. For the
303 purposes of this section, the term does not include a rental
304 agreement or an agreement for a for-hire vehicle as defined in
305 s. 320.01(15) or for a car-sharing service as defined in s.
306 212.0606(1).

307 (h) "Shared vehicle" means a motor vehicle that is
308 available for sharing through a peer-to-peer car-sharing
309 program. For the purposes of this section, the term does not
310 include a rental car, a for-hire vehicle as defined in s.
311 320.01(15), or a motor vehicle used for ridesharing as defined
312 in s. 341.031(9), for a carpool as defined in s. 450.28(3), or
313 for a car-sharing service as defined in s. 212.0606(1).

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

317 (j) "Shared vehicle owner" means the registered owner, or a
318 natural person or an entity designated by the registered owner,
319 of a motor vehicle made available for sharing to shared vehicle

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320 drivers through a peer-to-peer car-sharing program. For the
321 purposes of this section, the term does not include an owner of
322 a for-hire vehicle as defined in s. 320.01(15).

323 (2) INSURANCE COVERAGE REQUIREMENTS.-

324 (a)1. A peer-to-peer car-sharing program shall ensure that,
325 during each car-sharing period, the shared vehicle owner and the
326 shared vehicle driver are insured under a motor vehicle
327 insurance policy that provides all of the following:

328 a. Property damage liability coverage that meets the
329 minimum coverage amounts required under s. 324.022.

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

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

334 d. Uninsured and underinsured vehicle coverage as required
335 under s. 627.727.

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

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

341 b. Does not exclude the use of a shared vehicle by a shared
342 vehicle driver.

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

345 a. A shared vehicle owner;

346 b. A shared vehicle driver;

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

348 d. A combination of a shared vehicle owner, a shared

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349 vehicle driver, and a peer-to-peer car-sharing program.

350 2. The insurance policy maintained in subparagraph 1. which
351 satisfies the insurance requirements under paragraph (a) is
352 primary during each car-sharing period. If a claim occurs during
353 the car-sharing period in another state with minimum financial
354 responsibility limits higher than those limits required under
355 chapter 324, the coverage maintained under paragraph (a)
356 satisfies the difference in minimum coverage amounts up to the
357 applicable policy limits.

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

366 b. Coverage under a motor vehicle insurance policy
367 maintained by the peer-to-peer car-sharing program must not be
368 dependent on another motor vehicle insurer first denying a
369 claim, and another motor vehicle insurance policy is not
370 required to first deny a claim.

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

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

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

383 (II) Liability of the shared vehicle owner;

384 (III) Liability of the shared vehicle driver;

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

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

387 satisfy the personal injury protection and uninsured and
388 underinsured motorist coverage requirements of this section.

389 e. Insurance required under paragraph (a), when maintained
390 by a peer-to-peer car-sharing program, may be provided by an
391 insurer authorized to do business in this state which is a
392 member of the Florida Insurance Guaranty Association or an
393 eligible surplus lines insurer that has a superior, excellent,
394 exceptional, or equivalent financial strength rating by a rating
395 agency acceptable to the office. A peer-to-peer car-sharing
396 program is not transacting in insurance when it maintains the
397 insurance required under this section.

398 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-

399 (a) Liability.-

400 1. A peer-to-peer car-sharing program shall assume
401 liability, except as provided in subparagraph 2., of a shared
402 vehicle owner for bodily injury or property damage to third
403 parties or uninsured and underinsured motorist or personal
404 injury protection losses during the car-sharing period in an
405 amount stated in the peer-to-peer car-sharing program agreement,
406 which amount may not be less than those set forth in ss.

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407 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
408 respectively.

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

411 a. Makes an intentional or fraudulent material
412 misrepresentation or omission to the peer-to-peer car-sharing
413 program before the car-sharing period in which the loss occurs;
414 or

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

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

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

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

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

434 (c) Exclusions in motor vehicle insurance policies.—An
435 authorized insurer that writes motor vehicle liability insurance

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436 in this state may exclude any coverage and the duty to defend or
437 indemnify for any claim under a shared vehicle owner's motor
438 vehicle insurance policy, including, but not limited to:

439 1. Liability coverage for bodily injury and property
440 damage;

441 2. Personal injury protection coverage;

442 3. Uninsured and underinsured motorist coverage;

443 4. Medical payments coverage;

444 5. Comprehensive physical damage coverage; and

445 6. Collision physical damage coverage.

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

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

461 1. Made against the shared vehicle owner or the shared
462 vehicle driver for loss or injury that occurs during the car-
463 sharing period; and

464 2. Excluded under the terms of its policy.

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465 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a
466 motor vehicle owner registers as a shared vehicle owner on a
467 peer-to-peer car-sharing program and before the shared vehicle
468 owner may make a shared vehicle available for car sharing on the
469 peer-to-peer car-sharing program, the peer-to-peer car-sharing
470 program must notify the shared vehicle owner that, if the shared
471 vehicle has a lien against it, the use of the shared vehicle
472 through a peer-to-peer car-sharing program, including the use
473 without physical damage coverage, may violate the terms of the
474 contract with the lienholder.

475 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
476 shall:

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

481 (b) Retain the records in paragraph (a) for a time period
482 not less than the applicable personal injury statute of
483 limitations; and

484 (c) Provide the information contained in the records in
485 paragraph (a) upon request to the shared vehicle owner, the
486 shared vehicle owner's insurer, or the shared vehicle driver's
487 insurer to facilitate a claim coverage investigation,
488 settlement, negotiation, or litigation.

489 (6) CONSUMER PROTECTIONS.—

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

493 1. Any right of the peer-to-peer car-sharing program to

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494 seek indemnification from the shared vehicle owner or the shared
495 vehicle driver for economic loss resulting from a breach of the
496 terms and conditions of the peer-to-peer car-sharing program
497 agreement.

498 2. That a motor vehicle insurance policy issued to the
499 shared vehicle owner for the shared vehicle or to the shared
500 vehicle driver does not provide a defense or indemnification for
501 any claim asserted by the peer-to-peer car-sharing program.

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

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

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

514 6. An emergency telephone number of the personnel capable
515 of fielding calls for roadside assistance and other customer
516 service inquiries.

517 7. Any conditions under which a shared vehicle driver must
518 maintain a personal motor vehicle insurance policy with certain
519 applicable coverage limits on a primary basis in order to book a
520 shared vehicle.

521 (b) *Driver license verification and data retention.*

522 1. A peer-to-peer car-sharing program may not enter into a

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523 peer-to-peer car-sharing program agreement with a driver unless
524 the driver:

525 a. Holds a driver license issued under chapter 322 which
526 authorizes the driver to drive vehicles of the class of the
527 shared vehicle;

528 b. Is a nonresident who:

529 (I) Holds a driver license issued by the state or country
530 of the driver's residence which authorizes the driver in that
531 state or country to drive vehicles of the class of the shared
532 vehicle; and

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

535 c. Is otherwise specifically authorized by the Department
536 of Highway Safety and Motor Vehicles to drive vehicles of the
537 class of the shared vehicle.

538 2. A peer-to-peer car-sharing program shall keep a record
539 of:

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

541 b. The driver license number of the shared vehicle driver
542 and each other person, if any, who will operate the shared
543 vehicle; and

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

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

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552 by the shared vehicle owner. The peer-to-peer car-sharing
553 program may seek indemnity from the shared vehicle driver for
554 any damage to or loss of such equipment which occurs during the
555 car-sharing period.

556 (d) Motor vehicle safety recalls.—At the time a motor
557 vehicle owner registers as a shared vehicle owner on a peer-to-
558 peer car-sharing program and before the shared vehicle owner may
559 make a shared vehicle available for car sharing on the peer-to-
560 peer car-sharing program, the peer-to-peer car-sharing program
561 must:

562 1. Verify that the shared vehicle does not have any safety
563 recalls on the vehicle for which the repairs have not been made;
564 and

565 2. Notify the shared vehicle owner that if the shared
566 vehicle owner:

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

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

577 c. Receives an actual notice of a safety recall while the
578 shared vehicle is in the possession of a shared vehicle driver,
579 he or she shall notify the peer-to-peer car-sharing program
580 about the safety recall as soon as practicably possible after

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581 receiving the notice of the safety recall, so that he or she may
582 address the safety recall repair.

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

584 (a) The liability of a peer-to-peer car-sharing program for
585 any act or omission of the peer-to-peer car-sharing program
586 which results in the bodily injury of a person as a result of
587 the use of a shared vehicle through peer-to-peer car sharing; or

588 (b) The ability of a peer-to-peer car-sharing program to
589 seek, by contract, indemnification from the shared vehicle owner
590 or the shared vehicle driver for economic loss resulting from a
591 breach of the terms and conditions of the peer-to-peer car-
592 sharing program agreement.

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