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1  
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.