

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

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

48 |
49 | Be It Enacted by the Legislature of the State of Florida:
50 |

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

53 212.05 Sales, storage, use tax.—It is hereby declared to
54 be the legislative intent that every person is exercising a
55 taxable privilege who engages in the business of selling
56 tangible personal property at retail in this state, including
57 the business of making mail order sales, or who rents or
58 furnishes any of the things or services taxable under this
59 chapter, or who stores for use or consumption in this state any
60 item or article of tangible personal property as defined herein
61 and who leases or rents such property within the state.

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

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

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

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

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

78 c. If the motor vehicle is rented by a peer-to-peer car-
79 sharing program, the peer-to-peer car-sharing program must
80 collect and remit the applicable tax due in connection with the
81 rental.

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

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

101 Section 2. Section 212.0606, Florida Statutes, is amended
102 to read:

103 212.0606 Rental car surcharge.—

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

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

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

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

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

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

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

118 6. Without a separate fee for minimum financial

119 responsibility liability insurance; and

120 7. Owned or controlled by the car-sharing service or its
121 affiliates.

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

125 (c) "Peer-to-peer car-sharing program" has the same

126 meaning as in s. 627.7483(1).

127 (2)~~(1)~~ Except as provided in subsection (3) ~~(2)~~, a
128 surcharge of \$2 per day or any part of a day is imposed upon the
129 lease or rental by a motor vehicle rental company or a peer-to-
130 peer car-sharing program of a motor vehicle that is licensed for
131 hire and designed to carry fewer than nine passengers,
132 regardless of whether the motor vehicle is licensed in this
133 state, for financial consideration and without transfer of the
134 title of the motor vehicle. The surcharge is imposed regardless
135 of whether the lease or rental occurs in person or through
136 digital means. The surcharge applies to only the first 30 days
137 of the term of a lease or rental and must be collected by the
138 motor vehicle rental company or the peer-to-peer car-sharing
139 program. The surcharge is subject to all applicable taxes
140 imposed by this chapter.

141 (3)~~(2)~~ A member of a car-sharing service who uses a motor
142 vehicle as described in subsection (2) ~~(1)~~ for less than 24
143 hours pursuant to an agreement with the car-sharing service
144 shall pay a surcharge of \$1 per usage. A member of a car-sharing
145 service who uses the same motor vehicle for 24 hours or more
146 shall pay a surcharge of \$2 per day or any part of a day as
147 provided in subsection (2) ~~(1)~~. The car-sharing service shall
148 collect the surcharge ~~For purposes of this subsection, the term~~
149 ~~"car-sharing service" means a membership-based organization or~~
150 ~~business, or division thereof, which requires the payment of an~~

151 ~~application or membership fee and provides member access to~~
152 ~~motor vehicles:~~

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

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

157 ~~(c) Only through automated means, including, but not~~
158 ~~limited to, smartphone applications or electronic membership~~
159 ~~cards;~~

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

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

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

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

170 (4) (a) ~~(3) (a)~~ Notwithstanding s. 212.20, and less the costs
171 of administration, 80 percent of the proceeds of this surcharge
172 shall be deposited in the State Transportation Trust Fund, 15.75
173 percent of the proceeds of this surcharge shall be deposited in
174 the Tourism Promotional Trust Fund created in s. 288.122, and
175 4.25 percent of the proceeds of this surcharge shall be

176 deposited in the Florida International Trade and Promotion Trust
177 Fund. For the purposes of this subsection, the term "proceeds of
178 this surcharge" ~~of the surcharge~~ means all funds collected and
179 received by the department under this section, including
180 interest and penalties on delinquent surcharges. The department
181 shall provide the Department of Transportation rental car
182 surcharge revenue information for the previous state fiscal year
183 by September 1 of each year.

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

191 (5) (a) (4) Except as provided in this section, the
192 department shall administer, collect, and enforce the surcharge
193 as provided in this chapter.

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

199 (c) (b) A dealer ~~Dealers~~ who collects ~~collect~~ the rental
200 car surcharge shall report to the department all surcharge

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

209 (6)~~(5)~~ The surcharge imposed by this section does not
210 apply to a motor vehicle provided at no charge to a person whose
211 motor vehicle is being repaired, adjusted, or serviced by the
212 entity providing the replacement motor vehicle.

213 Section 3. Section 627.7483, Florida Statutes, is created
214 to read:

215 627.7483 Peer-to-peer car sharing; insurance
216 requirements.—

217 (1) DEFINITIONS.—As used in this section, the term:

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

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

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

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

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

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

242 3. The time the shared vehicle owner or the shared vehicle
243 owner's authorized designee takes possession and control of the
244 shared vehicle.

245 (e) "Peer-to-peer car sharing" or "car sharing" means the
246 authorized use of a motor vehicle by an individual other than
247 the vehicle's owner through a peer-to-peer car-sharing program.
248 For the purposes of this section, the term does not include the
249 renting of a motor vehicle through a rental car company, the use
250 of a for-hire vehicle as defined in s. 320.01(15), ridesharing

251 as defined in s. 341.031(9), carpool as defined in s. 450.28(3),
252 or the use of a motor vehicle under an agreement for a car-
253 sharing service as defined in s. 212.0606(1).

254 (f) "Peer-to-peer car-sharing program" means a business
255 platform that enables peer-to-peer car sharing by connecting
256 motor vehicle owners with drivers for financial consideration.
257 For the purposes of this section, the term does not include a
258 rental car company, a car-sharing service as defined in s.
259 212.0606(1), a taxicab association, or the owner of a for-hire
260 vehicle as defined in s. 320.01(15).

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

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

276 car-sharing service as defined in s. 212.0606(1).

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

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

286 (2) INSURANCE COVERAGE REQUIREMENTS.-

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

291 a. Property damage liability coverage that meets the
292 minimum coverage amounts required under s. 324.022.

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

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

297 d. Uninsured and underinsured vehicle coverage as required
298 under s. 627.727.

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

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

304 b. Does not exclude the use of a shared vehicle by a
305 shared vehicle driver.

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

308 a. A shared vehicle owner;

309 b. A shared vehicle driver;

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

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

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

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

324 b. Coverage under a motor vehicle insurance policy
325 maintained by the peer-to-peer car-sharing program must not be

326 dependent on another motor vehicle insurer first denying a
327 claim, and another motor vehicle insurance policy is not
328 required to first deny a claim.

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

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

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

341 (II) Liability of the shared vehicle owner;

342 (III) Liability of the shared vehicle driver;

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

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

345 satisfy the personal injury protection and uninsured and
346 underinsured motorist coverage requirements of this section.

347 e. Insurance required under paragraph (a), when maintained
348 by a peer-to-peer car-sharing program, may be provided by an
349 insurer authorized to do business in this state which is a
350 member of the Florida Insurance Guaranty Association or an

351 eligible surplus lines insurer that has a superior, excellent,
352 exceptional, or equivalent financial strength rating by a rating
353 agency acceptable to the office. A peer-to-peer car-sharing
354 program is not transacting in insurance when it maintains the
355 insurance required under this section.

356 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

357 (a) Liability.—

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

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

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

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

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

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

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

384
385 The shared vehicle owner's insurer shall indemnify the peer-to-
386 peer car-sharing program to the extent of the insurer's
387 obligation, if any, under the applicable insurance policy if it
388 is determined that the shared vehicle owner was in control of
389 the shared motor vehicle at the time of the loss.

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

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

- 401 1. Liability coverage for bodily injury and property
- 402 damage;
- 403 2. Personal injury protection coverage;
- 404 3. Uninsured and underinsured motorist coverage;
- 405 4. Medical payments coverage;
- 406 5. Comprehensive physical damage coverage; and
- 407 6. Collision physical damage coverage.

408

409 This paragraph does not invalidate or limit any exclusion

410 contained in a motor vehicle insurance policy, including any

411 insurance policy in use or approved for use which excludes

412 coverage for motor vehicles made available for rent, sharing, or

413 hire or for any business use.

414 (d) Contribution against indemnification.—A shared vehicle

415 owner's motor vehicle insurer that defends or indemnifies a

416 claim against a shared vehicle which is excluded under the terms

417 of its policy has the right to seek contribution against the

418 motor vehicle insurer of the peer-to-peer car-sharing program if

419 the claim is:

- 420 1. Made against the shared vehicle owner or the shared
- 421 vehicle driver for loss or injury that occurs during the car-
- 422 sharing period; and
- 423 2. Excluded under the terms of its policy.

424 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a

425 motor vehicle owner registers as a shared vehicle owner on a

426 peer-to-peer car-sharing program and before the shared vehicle
427 owner may make a shared vehicle available for car sharing on the
428 peer-to-peer car-sharing program, the peer-to-peer car-sharing
429 program must notify the shared vehicle owner that, if the shared
430 vehicle has a lien against it, the use of the shared vehicle
431 through a peer-to-peer car-sharing program, including the use
432 without physical damage coverage, may violate the terms of the
433 contract with the lienholder.

434 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
435 shall:

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

440 (b) Retain the records in paragraph (a) for a time period
441 not less than the applicable personal injury statute of
442 limitations.

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

447 (6) CONSUMER PROTECTIONS.—

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

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

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

460 3. That the peer-to-peer car-sharing program's insurance
461 coverage on the shared vehicle owner and the shared vehicle
462 driver is in effect only during each car-sharing period and
463 that, for any use of the shared vehicle by the shared vehicle
464 driver after the car-sharing termination time, the shared
465 vehicle driver and the shared vehicle owner may not have
466 insurance coverage.

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

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

472 6. An emergency telephone number of the personnel capable
473 of fielding calls for roadside assistance and other customer
474 service inquiries.

475 7. Any conditions under which a shared vehicle driver must

476 maintain a personal motor vehicle insurance policy with certain
477 applicable coverage limits on a primary basis in order to book a
478 shared vehicle.

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

480 1. A peer-to-peer car-sharing program may not enter into a
481 peer-to-peer car-sharing program agreement with a driver unless
482 the driver:

483 a. Holds a driver license issued under chapter 322 which
484 authorizes the driver to drive vehicles of the class of the
485 shared vehicle;

486 b. Is a nonresident who:

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

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

493 c. Is otherwise specifically authorized by the Department
494 of Highway Safety and Motor Vehicles to drive vehicles of the
495 class of the shared vehicle.

496 2. A peer-to-peer car-sharing program shall keep a record
497 of:

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

499 b. The number of the driver license of the shared vehicle
500 driver and each other person, if any, who will operate the

501 shared vehicle; and

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

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

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

520 1. Verify that the shared vehicle does not have any safety
521 recalls on the vehicle for which the repairs have not been made;
522 and

523 2. Notify the shared vehicle owner that if the shared
524 vehicle owner:

525 a. Has received an actual notice of a safety recall on the

526 vehicle, he or she may not make a vehicle available as a shared
527 vehicle on the peer-to-peer car-sharing program until the safety
528 recall repair has been made.

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

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

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

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

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

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551 | sharing program agreement.

552 | Section 4. This act shall take effect March 1, 2021.