

# SENATE BILL NO. 647

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

2362S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 379, RSMo, by adding thereto fourteen new sections relating to peer-to-peer car sharing, with a delayed effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 379, RSMo, is amended by adding thereto  
2 fourteen new sections, to be known as sections 379.1900,  
3 379.1910, 379.1915, 379.1920, 379.1925, 379.1930, 379.1935,  
4 379.1940, 379.1945, 379.1950, 379.1955, 379.1960, 379.1965, and  
5 379.1970, to read as follows:

**379.1900. Sections 379.1900 to 379.1970 shall be known  
2 and may be cited as the "Peer-to-Peer Car Sharing Program  
3 Act".**

**379.1910. For purposes of sections 379.1900 to  
2 379.1970, except where otherwise provided, the following  
3 terms mean:**

**(1) "Car sharing delivery period", the period of time  
5 during which a shared vehicle is being delivered to the  
6 location of the car sharing start time, if applicable, as  
7 documented by the governing car sharing program agreement;**

**(2) "Car sharing period", the period of time that  
9 commences with the car sharing delivery period or, if there  
10 is no car sharing delivery period, that commences with the  
11 car sharing start time and in either case ends at the car  
12 sharing termination time;**

13           (3) "Car sharing program agreement", the terms and  
14 conditions applicable to a shared vehicle owner and a shared  
15 vehicle driver that govern the use of a shared vehicle  
16 through a peer-to-peer car sharing program. The term "car  
17 sharing program agreement" shall not include a master rental  
18 agreement or rental agreement as such terms are defined in  
19 section 407.730;

20           (4) "Car sharing start time", the time when the shared  
21 vehicle becomes subject to the control of the shared vehicle  
22 driver at or after the time the reservation of a shared  
23 vehicle is scheduled to begin as documented in the records  
24 of a peer-to-peer car sharing program;

25           (5) "Car sharing termination time", the earliest of  
26 the following events:

27           (a) The expiration of the agreed-upon period of time  
28 established for the use of a shared vehicle according to the  
29 terms of the car sharing program agreement if the shared  
30 vehicle is delivered to the location agreed upon in the car  
31 sharing program agreement;

32           (b) When the shared vehicle is returned to a location  
33 as alternatively agreed upon by the shared vehicle owner and  
34 the shared vehicle driver as communicated through a peer-to-  
35 peer car sharing program, which alternatively agreed-upon  
36 location shall be incorporated into the car sharing program  
37 agreement; or

38           (c) When the shared vehicle owner or the shared  
39 vehicle owner's authorized designee takes possession and  
40 control of the shared vehicle;

41           (6) "Peer-to-peer car sharing", the authorized use of  
42 a vehicle by an individual other than the vehicle's owner  
43 through a peer-to-peer car sharing program. The term "peer-

44 to-peer car sharing" shall not include a rental car or  
45 rental activity as described in section 407.732;

46 (7) "Peer-to-peer car sharing program", a business  
47 platform that connects vehicle owners with drivers to enable  
48 the sharing of vehicles for financial consideration. The  
49 term "peer-to-peer car sharing program" shall not include a  
50 car rental company as defined in section 407.730;

51 (8) "Shared vehicle", a vehicle that is available for  
52 sharing through a peer-to-peer car sharing program. The  
53 term "shared vehicle" shall not include a rental car as  
54 described in section 407.732;

55 (9) "Shared vehicle driver", an individual who has  
56 been authorized to drive the shared vehicle by the shared  
57 vehicle owner under a car sharing program agreement. The  
58 term "shared vehicle driver" shall not include an authorized  
59 driver as defined in section 407.730;

60 (10) "Shared vehicle owner", the registered owner, or  
61 a person or entity designated by the registered owner, of a  
62 vehicle made available for sharing to shared vehicle drivers  
63 through a peer-to-peer car sharing program. The term  
64 "shared vehicle owner" shall not include a car rental  
65 company as defined in section 407.730.

379.1915. 1. Except as provided in subsection 2 of  
2 this section, a peer-to-peer car sharing program shall  
3 assume liability of a shared vehicle owner for bodily injury  
4 or property damage, or provide uninsured motorist or  
5 personal injury protection, to the extent personal injury  
6 protection coverage is required by law, for losses by  
7 damaged third parties during the car sharing period in an  
8 amount stated in the peer-to-peer car sharing program  
9 agreement, which amount shall not be less than the amount  
10 required under chapter 303.

11           2. Notwithstanding the definition of "car sharing  
12 termination time" in section 379.1910 to the contrary, the  
13 assumption of liability under subsection 1 of this section  
14 shall not apply to any shared vehicle owner when:

15           (1) A shared vehicle owner makes an intentional or  
16 fraudulent material misrepresentation or omission to the  
17 peer-to-peer car sharing program before the car sharing  
18 period in which the loss occurred; or

19           (2) Acting in concert with a shared vehicle driver who  
20 fails to return the shared vehicle in accordance with the  
21 terms of the car sharing program agreement.

22           3. Notwithstanding the definition of "car sharing  
23 termination time" in section 379.1910 to the contrary, the  
24 assumption of liability under subsection 1 of this section  
25 shall apply to bodily injury, property damage, uninsured  
26 motorist, or personal injury, to the extent personal injury  
27 protection coverage is required by law, losses by damaged  
28 third parties as required by chapter 303.

29           4. A peer-to-peer car sharing program shall ensure  
30 that, during each car sharing period, the shared vehicle  
31 owner and the shared vehicle driver are insured under a  
32 motor vehicle liability insurance policy that provides  
33 insurance coverage in amounts no less than the minimum  
34 amounts set forth in chapter 303, and that:

35           (1) Recognizes that the shared vehicle insured under  
36 the policy is made available and used through a peer-to-peer  
37 car sharing program; or

38           (2) Does not exclude use of a shared vehicle by a  
39 shared vehicle driver.

40           5. The insurance described under subsection 4 of this  
41 section may be satisfied by motor vehicle liability  
42 insurance maintained by:

- 43           (1) A shared vehicle owner;  
44           (2) A shared vehicle driver;  
45           (3) A peer-to-peer car sharing program; or  
46           (4) A shared vehicle owner, a shared vehicle driver,  
47 and a peer-to-peer car sharing program.

48           6. The insurance described in subsection 5 of this  
49 section that is satisfying the insurance requirement of  
50 subsection 4 of this section shall be primary during each  
51 car sharing period. If a claim occurs in another state with  
52 minimum financial responsibility limits higher than the  
53 minimum financial responsibility requirements in chapter 303  
54 during the car sharing period, the coverage maintained under  
55 subsection 5 of this section shall satisfy the difference in  
56 minimum coverage amounts up to the applicable policy limits.

57           7. The insurer, insurers, or peer-to-peer car sharing  
58 program providing coverage under subsection 4 or 5 of this  
59 section shall assume primary liability for a claim when:

60           (1) A dispute exists as to who was in control of the  
61 shared vehicle at the time of the loss and the peer-to-peer  
62 car sharing program does not have available, did not retain,  
63 or fails to provide the information required by section  
64 379.1930; or

65           (2) A dispute exists as to whether the shared vehicle  
66 was returned to the alternatively agreed-upon location as  
67 required under paragraph (b) of subdivision (5) of section  
68 379.1910.

69           8. If insurance maintained by a shared vehicle owner  
70 or shared vehicle driver in accordance with subsection 5 of  
71 this section has lapsed or does not provide the required  
72 coverage, insurance maintained by a peer-to-peer car sharing  
73 program shall provide the coverage required by subsection 4  
74 of this section beginning with the first dollar of a claim

75 and have the duty to defend such claim except under  
76 circumstances as set forth in subsection 2 of this section.

77 9. Coverage under an automobile insurance policy  
78 maintained by the peer-to-peer car sharing program shall not  
79 be dependent on another automobile insurer first denying a  
80 claim nor shall another automobile insurance policy be  
81 required to first deny a claim.

82 10. Nothing in this section:

83 (1) Limits the liability of the peer-to-peer car  
84 sharing program for any act or omission of the peer-to-peer  
85 car sharing program itself that results in injury to any  
86 person as a result of the use of a shared vehicle through a  
87 peer-to-peer car sharing program; or

88 (2) Limits the ability of the peer-to-peer car sharing  
89 program to, by contract, seek indemnification from the  
90 shared vehicle owner or the shared vehicle driver for  
91 economic loss sustained by the peer-to-peer car sharing  
92 program, resulting from a breach of the terms and conditions  
93 of the car sharing program agreement.

379.1920. At the time when a vehicle owner registers  
2 as a shared vehicle owner on a peer-to-peer car sharing  
3 program and prior to the time when the shared vehicle owner  
4 makes a shared vehicle available for car sharing on the peer-  
5 to-peer car sharing program, the peer-to-peer car sharing  
6 program shall notify the shared vehicle owner that, if the  
7 shared vehicle has a lien against it, the use of the shared  
8 vehicle through a peer-to-peer car sharing program,  
9 including use without physical damage coverage, may violate  
10 the terms of the contract with the lienholder.

379.1925. 1. An authorized insurer that writes motor  
2 vehicle liability insurance in this state may exclude any  
3 and all coverage and the duty to defend or indemnify for any

4 claim afforded under a shared vehicle owner's motor vehicle  
5 liability insurance policy including, but not limited to:

6 (1) Liability coverage for bodily injury and property  
7 damage;

8 (2) Personal injury protection coverage;

9 (3) Uninsured and underinsured motorist coverage;

10 (4) Medical payments coverage;

11 (5) Comprehensive physical damage coverage; and

12 (6) Collision physical damage coverage.

13 2. Nothing in sections 379.1900 to 379.1970  
14 invalidates or limits an exclusion contained in a motor  
15 vehicle liability insurance policy, including any insurance  
16 policy in use or approved for use that excludes coverage for  
17 motor vehicles made available for rent, sharing, or hire or  
18 for any business use.

19 3. Nothing in sections 379.1900 to 379.1970  
20 invalidates, limits, or restricts an insurer's ability under  
21 existing law to underwrite any insurance policy. Nothing in  
22 sections 379.1900 to 379.1970 invalidates, limits, or  
23 restricts an insurer's ability under existing law to cancel  
24 and nonrenew policies.

379.1930. A peer-to-peer car sharing program shall  
2 collect and verify records pertaining to the use of a  
3 vehicle including, but not limited to, times used, car  
4 sharing period pick-up and drop-off locations, fees paid by  
5 the shared vehicle driver, and revenues received by the  
6 shared vehicle owner. The peer-to-peer car sharing program  
7 shall provide such information upon request to the shared  
8 vehicle owner, the shared vehicle owner's insurer, or the  
9 shared vehicle driver's insurer to facilitate a claim  
10 coverage investigation, settlement, negotiation, or  
11 litigation. The peer-to-peer car sharing program shall

12 retain the records for a time period not less than the  
13 applicable personal injury statute of limitations.

379.1935. A peer-to-peer car sharing program and a  
2 shared vehicle owner shall be exempt from vicarious  
3 liability, consistent with 49 U.S.C. Section 30106, under  
4 any state or local law that imposes liability solely based  
5 on vehicle ownership.

379.1940. A motor vehicle insurer that defends or  
2 indemnifies a claim against a shared vehicle that is  
3 excluded under the terms of its policy shall have the right  
4 to seek recovery against the motor vehicle insurer of the  
5 peer-to-peer car sharing program if the claim is:

6 (1) Made against the shared vehicle owner or the  
7 shared vehicle driver for loss or injury that occurs during  
8 the car sharing period; and

9 (2) Excluded under the terms of its policy.

379.1945. 1. Notwithstanding any other law, statute,  
2 rule, or regulation to the contrary, a peer-to-peer car  
3 sharing program shall have an insurable interest in a shared  
4 vehicle during the car sharing period.

5 2. Nothing in this section creates liability on a peer-  
6 to-peer car sharing program to maintain the coverage  
7 mandated by section 379.1915.

8 3. A peer-to-peer car sharing program may own and  
9 maintain as the named insured one or more policies of motor  
10 vehicle liability insurance that provides coverage for:

11 (1) Liabilities assumed by the peer-to-peer car  
12 sharing program under a peer-to-peer car sharing program  
13 agreement;

14 (2) Any liability of the shared vehicle owner;

15 (3) Damage or loss to the shared vehicle; or

16 (4) Any liability of the shared vehicle driver.



379.1950. Each car sharing program agreement made in  
2 this state shall disclose to the shared vehicle owner and  
3 the shared vehicle driver:

4 (1) Any right of the peer-to-peer car sharing program  
5 to seek indemnification from the shared vehicle owner or the  
6 shared vehicle driver for economic loss sustained by the  
7 peer-to-peer car sharing program, resulting from a breach of  
8 the terms and conditions of the car sharing program  
9 agreement;

10 (2) That a motor vehicle liability insurance policy  
11 issued to the shared vehicle owner for the shared vehicle or  
12 to the shared vehicle driver does not provide a defense or  
13 indemnification for any claim asserted by the peer-to-peer  
14 car sharing program;

15 (3) That the peer-to-peer car sharing program's  
16 insurance coverage on the shared vehicle owner and the  
17 shared vehicle driver is in effect only during each car  
18 sharing period and that, for any use of the shared vehicle  
19 by the shared vehicle driver after the car sharing  
20 termination time, the shared vehicle driver and the shared  
21 vehicle owner may not have insurance coverage;

22 (4) The daily rate, fees, and if applicable, any  
23 insurance or protection package costs that are charged to  
24 the shared vehicle owner or the shared vehicle driver;

25 (5) That the shared vehicle owner's motor vehicle  
26 liability insurance may not provide coverage for a shared  
27 vehicle;

28 (6) An emergency telephone number to personnel capable  
29 of fielding roadside assistance and other customer service  
30 inquiries; and

31 (7) Whether there are conditions under which a shared  
32 vehicle driver is required to maintain a personal automobile

33 insurance policy with certain applicable coverage limits on  
34 a primary basis in order to book a shared motor vehicle.

379.1955. 1. A peer-to-peer car sharing program shall  
2 not enter into a peer-to-peer car sharing program agreement  
3 with a driver unless the driver who will operate the shared  
4 vehicle:

5 (1) Holds a driver's license issued by this state that  
6 authorizes the driver to operate vehicles of the class of  
7 the shared vehicle;

8 (2) Is a nonresident who:

9 (a) Has a driver's license issued by the state or  
10 country of the driver's residence that authorizes the driver  
11 in that state or country to drive vehicles of the class of  
12 the shared vehicle; and

13 (b) Is at least the same age as the age required of a  
14 resident to drive in this state; or

15 (3) Otherwise is specifically authorized by this state  
16 to drive vehicles of the class of the shared vehicle.

17 2. A peer-to-peer car sharing program shall keep a  
18 record of:

19 (1) The name and address of the shared vehicle driver;

20 (2) The number of the driver's license of the shared  
21 vehicle driver and of each other person, if any, who will  
22 operate the shared vehicle; and

23 (3) The place of issuance of the driver's license.

379.1960. A peer-to-peer car sharing program shall  
2 have sole responsibility for any equipment, such as a GPS  
3 system or other special equipment that is put in or on the  
4 vehicle to monitor or facilitate the car sharing  
5 transaction, and shall agree to indemnify and hold harmless  
6 the shared vehicle owner for any damage to or theft of such  
7 equipment during the car sharing period not caused by the

8 shared vehicle owner. The peer-to-peer car sharing program  
9 has the right to seek indemnity from the shared vehicle  
10 driver for any loss or damage to such equipment that occurs  
11 during the car sharing period.

379.1965. 1. At the time when a vehicle owner  
2 registers as a shared vehicle owner on a peer-to-peer car  
3 sharing program and prior to the time when the shared  
4 vehicle owner makes a shared vehicle available for car  
5 sharing on the peer-to-peer car sharing program, the peer-to-  
6 peer car sharing program shall:

7 (1) Verify that the shared vehicle does not have any  
8 safety recalls on the vehicle for which the repairs have not  
9 been made; and

10 (2) Notify the shared vehicle owner of the  
11 requirements under subsection 2 of this section.

12 2. (1) If the shared vehicle owner has received an  
13 actual notice of a safety recall on the vehicle, a shared  
14 vehicle owner shall not make a vehicle available as a shared  
15 vehicle on a peer-to-peer car sharing program until the  
16 safety recall repair has been made.

17 (2) If a shared vehicle owner receives an actual  
18 notice of a safety recall on a shared vehicle while the  
19 shared vehicle is made available on the peer-to-peer car  
20 sharing program, the shared vehicle owner shall remove the  
21 shared vehicle as available on the peer-to-peer car sharing  
22 program as soon as practicable after receiving the notice of  
23 the safety recall and until the safety recall repair has  
24 been made.

25 (3) If a shared vehicle owner receives an actual  
26 notice of a safety recall while the shared vehicle is being  
27 used in the possession of a shared vehicle driver, as soon  
28 as practicable after receiving the notice of the safety

29 recall, the shared vehicle owner shall notify the peer-to-  
30 peer car sharing program about the safety recall so that the  
31 shared vehicle owner may address the safety recall repair.

379.1970. The department of commerce and insurance may  
2 promulgate all necessary rules and regulations for the  
3 administration of sections 379.1900 to 379.1970. Any rule  
4 or portion of a rule, as that term is defined in section  
5 536.010, that is created under the authority delegated in  
6 this section shall become effective only if it complies with  
7 and is subject to all of the provisions of chapter 536 and,  
8 if applicable, section 536.028. This section and chapter  
9 536 are nonseverable and if any of the powers vested with  
10 the general assembly pursuant to chapter 536 to review, to  
11 delay the effective date, or to disapprove and annul a rule  
12 are subsequently held unconstitutional, then the grant of  
13 rulemaking authority and any rule proposed or adopted after  
14 the effective date of this section shall be invalid and void.

Section B. The enactment of sections 379.1900 to  
2 379.1970 of this act shall become effective on January 1,  
3 2026.

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