

Committee on Banking and Insurance

CS/CS/SB 566 — Motor Vehicle Rentals

by Appropriations Committee; Banking and Insurance Committee; and Senator Perry

The bill creates taxation, insurance, and operational requirements for peer-to-peer car-sharing programs.

The tax provisions of the bill:

- Clarify that Florida's 6 percent sales tax applies to a peer-to-peer car-sharing program.
- Require the peer-to-peer car-sharing program to collect and remit the sales tax due.
- Impose a \$1 per day or any part of the day surcharge on each peer-to-peer car-sharing program agreement. The surcharge applies to the first 30 days of the car sharing period.
- Require the peer-to-peer car-sharing program to collect the surcharge due.
- Require the peer-to-peer car-sharing program to attribute the surcharge revenue to the county corresponding to the car-sharing start time location for purposes of reporting surcharge revenue.

The insurance provisions of the bill:

- Require the peer-to-peer car-sharing program to ensure the shared vehicle owner and shared vehicle driver are insured during each car-sharing period under a motor vehicle insurance policy that provides minimum statutory requirements for property damage liability, bodily injury liability, personal injury protection, and uninsured and underinsured vehicle insurance coverages.
- Specify the peer-to-peer car-sharing program may satisfy compliance with minimum statutory insurance coverages by a motor vehicle insurance policy maintained by the shared vehicle owner, shared vehicle driver, the peer-to-peer car-sharing program, or a combination of all three.
- Specify that the motor vehicle insurance policy used by the peer-to-peer car-sharing program to satisfy minimum statutory insurance coverages is primary in the event of a claim. The insurer or peer-to-peer car-sharing program providing the required coverage assumes primary liability for a claim when a dispute exists over who was in control of the shared vehicle at the time of the loss, or a dispute exists over whether the shared vehicle was returned to the agreed-upon location specified in the peer-to-peer car-sharing programs agreement. The peer-to-peer car-sharing program assumes liability in the event of a coverage lapse by the shared vehicle owner or shared vehicle driver.
- Provides that a peer-to-peer car-sharing program may maintain one or more motor vehicle insurance policies which provide coverage for liabilities assumed by the peer-to-peer car-sharing program under a peer-to-peer car-sharing program agreement, liability of the shared vehicle owner, liability of the shared vehicle driver, damage or loss to the shared motor vehicle, or damage, loss, or injury to persons or property to satisfy minimum statutory requirements for personal injury protection and uninsured and underinsured insurance coverage.
- Specifies the peer-to-peer car-sharing program assumes liability during the car-sharing period of a shared vehicle owner for bodily injury or property damage to a third party or

uninsured and underinsured motor or personal injury losses. The peer-to-peer car-sharing program does not assume liability when a shared vehicle owner makes an intentional or fraudulent material representation or omission before the car-sharing period in which the loss occurs, or the shared vehicle owner acts in concert with shared vehicle driver who fails to return the shared vehicle in accordance with the peer-to-peer car-sharing program agreement.

- Provide that the peer-to-peer car-sharing program and the shared vehicle owner are exempt from vicarious liability consistent with federal law.
- Provide that an authorized motor vehicle insurer may exclude any coverage and the duty to defend or indemnify any claim under a shared vehicle owner's motor vehicle insurance policy.

The operational provisions of the bill:

- Require the peer-to-peer car-sharing program to provide notice to a shared vehicle owner upon registration, that if the shared vehicle has a lien against it, use of the shared vehicle in the peer-to-peer car-sharing program may violate the terms of the contract with the lienholder.
- Require the peer-to-peer car-sharing program to keep and retain specified records relating to the facilitation of claim coverage investigation, settlement, negotiation, or litigation.
- Require the peer-to-peer car-sharing program to provide notice of specified matters to the shared vehicle owner and shared vehicle driver, including the rates of the peer-to-peer car-sharing program contract and the peer-to-peer car-sharing programs' right to seek indemnification and make defenses.
- Require that the shared vehicle driver has a current, valid driver's license or be otherwise authorized to drive.
- Specify the peer-to-peer car-sharing program has sole responsibility for equipment put in or on the shared vehicle for purposes of monitoring or facilitating the peer-to-peer car-sharing transactions.
- Require the peer-to-peer car-sharing program to verify the shared vehicle has been repaired pursuant to any safety recalls, provide notice to the shared vehicle owner of recalls, and remove unrepaired shared vehicles from the peer-to-peer car-sharing program.

If approved by the Governor, these provisions take effect January 1, 2022.

Vote: Senate 28-12; House 101-15