

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 and remit the surcharge; requiring  
15          car-sharing services to collect and remit a certain  
16          surcharge; making technical changes; creating s.  
17          627.7483, F.S.; defining terms; specifying insurance  
18          requirements for shared vehicle owners and shared  
19          vehicle drivers under peer-to-peer car-sharing  
20          programs; providing that a peer-to-peer car-sharing  
21          program has an insurable interest in a shared vehicle  
22          during certain periods; providing construction;  
23          authorizing peer-to-peer car-sharing programs to own  
24          and maintain certain motor vehicle insurance policies;  
25          requiring peer-to-peer car-sharing programs to assume

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

51 providing construction; providing an effective date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Paragraph (c) of subsection (1) of section  
56 212.05, Florida Statutes, is amended to read:

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

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

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

73 1. When a motor vehicle is leased or rented by a motor  
74 vehicle rental company or a peer-to-peer car-sharing program, as  
75 those terms are defined in s. 212.0606(1), for a period of less

76 | than 12 months:

77 |       a. If the motor vehicle is rented in Florida, the entire  
78 | amount of such rental is taxable, even if the vehicle is dropped  
79 | off in another state.

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

82 |       c. If the motor vehicle is rented by a peer-to-peer car-  
83 | sharing program, the peer-to-peer car-sharing program must  
84 | collect and remit the applicable tax due in connection with the  
85 | rental.

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

93 |       3. The tax imposed by this chapter does not apply to the  
94 | lease or rental of a commercial motor vehicle as defined in s.  
95 | 316.003(13)(a) to one lessee or rentee for a period of not less  
96 | than 12 months when tax was paid on the purchase price of such  
97 | vehicle by the lessor. To the extent tax was paid with respect  
98 | to the purchase of such vehicle in another state, territory of  
99 | the United States, or the District of Columbia, the Florida tax  
100 | payable shall be reduced in accordance with the provisions of s.

101 212.06(7). This subparagraph shall only be available when the  
102 lease or rental of such property is an established business or  
103 part of an established business or the same is incidental or  
104 germane to such business.

105 Section 2. Section 212.0606, Florida Statutes, is amended  
106 to read:

107 212.0606 Rental car surcharge.—

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

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

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

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

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

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

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

122 6. Without a separate fee for minimum financial  
123 responsibility liability insurance; and

124 7. Owned or controlled by the car-sharing service or its  
125 affiliates.

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

129        (c) "Peer-to-peer car-sharing program" has the same  
130 meaning as in s. 627.7483(1).

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

145        (3)~~(2)~~ A member of a car-sharing service who uses a motor  
146 vehicle as described in subsection (2) ~~(1)~~ for less than 24  
147 hours pursuant to an agreement with the car-sharing service  
148 shall pay a surcharge of \$1 per usage. A member of a car-sharing  
149 service who uses the same motor vehicle for 24 hours or more  
150 shall pay a surcharge of \$2 per day or any part of a day as

151 provided in subsection (2) ~~(1)~~. The car-sharing service shall  
152 collect and remit the surcharge ~~For purposes of this subsection,~~  
153 ~~the term "car-sharing service" means a membership-based~~  
154 ~~organization or business, or division thereof, which requires~~  
155 ~~the payment of an application or membership fee and provides~~  
156 ~~member access to motor vehicles:~~

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

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

161 ~~(c) Only through automated means, including, but not~~  
162 ~~limited to, smartphone applications or electronic membership~~  
163 ~~eards;~~

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

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

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

169 ~~(g) Owned or controlled by the car-sharing service or its~~  
170 ~~affiliates.~~

171

172 The surcharge imposed under this subsection does not apply to  
173 the lease, rental, or use of a motor vehicle from a location  
174 owned, operated, or leased by or for the benefit of an airport  
175 or airport authority.

176            (4) (a) ~~(3) (a)~~ Notwithstanding s. 212.20, and less the costs  
 177 of administration, 80 percent of the proceeds of this surcharge  
 178 shall be deposited in the State Transportation Trust Fund, 15.75  
 179 percent of the proceeds of this surcharge shall be deposited in  
 180 the Tourism Promotional Trust Fund created in s. 288.122, and  
 181 4.25 percent of the proceeds of this surcharge shall be  
 182 deposited in the Florida International Trade and Promotion Trust  
 183 Fund. For the purposes of this subsection, the term "proceeds of  
 184 this surcharge" ~~of the surcharge~~ means all funds collected and  
 185 received by the department under this section, including  
 186 interest and penalties on delinquent surcharges. The department  
 187 shall provide the Department of Transportation rental car  
 188 surcharge revenue information for the previous state fiscal year  
 189 by September 1 of each year.

190            (b) Notwithstanding any other ~~provision of~~ law, the  
 191 proceeds deposited in the State Transportation Trust Fund shall  
 192 be allocated on an annual basis in the Department of  
 193 Transportation's work program to each department district,  
 194 except the Turnpike District. The amount allocated to each  
 195 district shall be based on the amount of proceeds attributed to  
 196 the counties within each respective district.

197            (5) (a) ~~(4)~~ Except as provided in this section, the  
 198 department shall administer, collect, and enforce the surcharge  
 199 as provided in this chapter.

200            (b) ~~(a)~~ The department shall require a dealer ~~dealers~~ to

201 report surcharge collections according to the county to which  
 202 the surcharge was attributed. For purposes of this section, the  
 203 surcharge shall be attributed to the county where the rental  
 204 agreement was entered into.

205 (c)~~(b)~~ A dealer ~~Dealers~~ who collects ~~collect~~ the rental  
 206 car surcharge shall report to the department all surcharge  
 207 revenues attributed to the county where the rental agreement was  
 208 entered into on a timely filed return for each required  
 209 reporting period. The provisions of this chapter which apply to  
 210 interest and penalties on delinquent taxes apply to the  
 211 surcharge. The surcharge shall not be included in the  
 212 calculation of estimated taxes pursuant to s. 212.11. The  
 213 dealer's credit provided in s. 212.12 does not apply to any  
 214 amount collected under this section.

215 (6)~~(5)~~ The surcharge imposed by this section does not  
 216 apply to a motor vehicle provided at no charge to a person whose  
 217 motor vehicle is being repaired, adjusted, or serviced by the  
 218 entity providing the replacement motor vehicle.

219 Section 3. Section 627.7483, Florida Statutes, is created  
 220 to read:

221 627.7483 Peer-to-peer car sharing; insurance  
 222 requirements.—

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

224 (a) "Car-sharing delivery period" means the period of time  
 225 during which a shared vehicle is being delivered to the location

226 of the car-sharing start time, if applicable, as documented by  
227 the governing peer-to-peer car-sharing program agreement.

228 (b) "Car-sharing period" means the period of time that  
229 commences either at the car-sharing delivery period or, if there  
230 is no car-sharing delivery period, at the car-sharing start time  
231 and that ends at the car-sharing termination time.

232 (c) "Car-sharing start time" means the time when the  
233 shared vehicle is under the control of the shared vehicle  
234 driver, which time occurs at or after the time the reservation  
235 of the shared vehicle is scheduled to begin, as documented in  
236 the records of a peer-to-peer car-sharing program.

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

239 1. The expiration of the agreed-upon period of time  
240 established for the use of a shared vehicle according to the  
241 terms of the peer-to-peer car-sharing program agreement, if the  
242 shared vehicle is delivered to the location agreed upon in the  
243 peer-to-peer car-sharing program agreement;

244 2. The time the shared vehicle is returned to a location  
245 as alternatively agreed upon by the shared vehicle owner and  
246 shared vehicle driver, as communicated through a peer-to-peer  
247 car-sharing program; or

248 3. The time the shared vehicle owner or the shared vehicle  
249 owner's authorized designee takes possession and control of the  
250 shared vehicle.

251 (e) "Peer-to-peer car sharing" or "car sharing" means the  
252 authorized use of a motor vehicle by an individual other than  
253 the vehicle's owner through a peer-to-peer car-sharing program.  
254 For the purposes of this section, the term does not include the  
255 renting of a motor vehicle through a rental car company, the use  
256 of a for-hire vehicle as defined in s. 320.01(15), ridesharing  
257 as defined in s. 341.031(9), carpool as defined in s. 450.28(3),  
258 or the use of a motor vehicle under an agreement for a car-  
259 sharing service as defined in s. 212.0606(1).

260 (f) "Peer-to-peer car-sharing program" means a business  
261 platform that enables peer-to-peer car sharing by connecting  
262 motor vehicle owners with drivers for financial consideration.  
263 For the purposes of this section, the term does not include a  
264 rental car company, a car-sharing service as defined in s.  
265 212.0606(1), a taxicab association, or the owner of a for-hire  
266 vehicle as defined in s. 320.01(15).

267 (g) "Peer-to-peer car-sharing program agreement" means the  
268 terms and conditions established by the peer-to-peer car-sharing  
269 program which are applicable to a shared vehicle owner and a  
270 shared vehicle driver and which govern the use of a shared  
271 vehicle through a peer-to-peer car-sharing program. For the  
272 purposes of this section, the term does not include a rental  
273 agreement or an agreement for a for-hire vehicle as defined in  
274 s. 320.01(15) or for a car-sharing service as defined in s.  
275 212.0606(1).

276 (h) "Shared vehicle" means a motor vehicle that is  
277 available for sharing through a peer-to-peer car-sharing  
278 program. For the purposes of this section, the term does not  
279 include a rental car, a for-hire vehicle as defined in s.  
280 320.01(15), or a motor vehicle used for ridesharing as defined  
281 in s. 341.031(9), for carpool as defined in s. 450.28(3), or for  
282 car-sharing service as defined in s. 212.0606(1).

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

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

292 (2) INSURANCE COVERAGE REQUIREMENTS.—

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

297 a. Property damage liability coverage that meets the  
298 minimum coverage amounts required under s. 324.022.

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

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

303 d. Uninsured and underinsured vehicle coverage as required  
304 under s. 627.727.

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

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

310 b. Does not exclude the use of a shared vehicle by a  
311 shared vehicle driver.

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

314 a. A shared vehicle owner;

315 b. A shared vehicle driver;

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

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

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

322 3.a. If the insurance maintained by a shared vehicle owner  
323 or shared vehicle driver in accordance with subparagraph 1. has  
324 lapsed or does not provide the coverage required under paragraph  
325 (a), the insurance maintained by the peer-to-peer car-sharing

326 program must provide the coverage required under paragraph (a),  
327 beginning with the first dollar of a claim, and must defend such  
328 claim, except under circumstances as set forth in subparagraph  
329 (3) (a)2.

330 b. Coverage under a motor vehicle insurance policy  
331 maintained by the peer-to-peer car-sharing program must not be  
332 dependent on another motor vehicle insurer first denying a  
333 claim, and another motor vehicle insurance policy is not  
334 required to first deny a claim.

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

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

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

347 (II) Liability of the shared vehicle owner;

348 (III) Liability of the shared vehicle driver;

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

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

351 satisfy the personal injury protection and uninsured and  
352 underinsured motorist coverage requirements of this section.

353 e. Insurance required under paragraph (a), when maintained  
354 by a peer-to-peer car-sharing program, may be provided by an  
355 insurer authorized to do business in this state which is a  
356 member of the Florida Insurance Guaranty Association or an  
357 eligible surplus lines insurer that has a superior, excellent,  
358 exceptional, or equivalent financial strength rating by a rating  
359 agency acceptable to the office. A peer-to-peer car-sharing  
360 program is not transacting in insurance when it maintains the  
361 insurance required under this section.

362 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-

363 (a) Liability.-

364 1. A peer-to-peer car-sharing program shall assume  
365 liability, except as provided in subparagraph 2., of a shared  
366 vehicle owner for bodily injury or property damage to third  
367 parties or uninsured and underinsured motorist or personal  
368 injury protection losses during the car-sharing period in an  
369 amount stated in the peer-to-peer car-sharing program agreement,  
370 which amount may not be less than those set forth in ss.  
371 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,  
372 respectively.

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

375 a. Makes an intentional or fraudulent material

376 misrepresentation or omission to the peer-to-peer car-sharing  
377 program before the car-sharing period in which the loss occurs;  
378 or

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

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

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

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

390  
391 The shared vehicle owner's insurer shall indemnify the peer-to-  
392 peer car-sharing program to the extent of the insurer's  
393 obligation, if any, under the applicable insurance policy if it  
394 is determined that the shared vehicle owner was in control of  
395 the shared motor vehicle at the time of the loss.

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

401 (c) Exclusions in motor vehicle insurance policies.—An  
402 authorized insurer that writes motor vehicle liability insurance  
403 in this state may exclude any and all coverage and the duty to  
404 defend or indemnify for any claim afforded under a shared  
405 vehicle owner's motor vehicle insurance policy, including, but  
406 not limited to:

- 407 1. Liability coverage for bodily injury and property  
408 damage;  
409 2. Personal injury protection coverage;  
410 3. Uninsured and underinsured motorist coverage;  
411 4. Medical payments coverage;  
412 5. Comprehensive physical damage coverage; and  
413 6. Collision physical damage coverage.

414  
415 This paragraph does not invalidate or limit any exclusion  
416 contained in a motor vehicle insurance policy, including any  
417 insurance policy in use or approved for use which excludes  
418 coverage for motor vehicles made available for rent, sharing, or  
419 hire or for any business use.

420 (d) Contribution against indemnification.—A shared vehicle  
421 owner's motor vehicle insurer that defends or indemnifies a  
422 claim against a shared vehicle which is excluded under the terms  
423 of its policy has the right to seek contribution against the  
424 motor vehicle insurer of the peer-to-peer car-sharing program if  
425 the claim is:

426 1. Made against the shared vehicle owner or the shared  
427 vehicle driver for loss or injury that occurs during the car-  
428 sharing period; and

429 2. Excluded under the terms of its policy.

430 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a  
431 motor vehicle owner registers as a shared vehicle owner on a  
432 peer-to-peer car-sharing program and before the shared vehicle  
433 owner may make a shared vehicle available for car sharing on the  
434 peer-to-peer car-sharing program, the peer-to-peer car-sharing  
435 program must notify the shared vehicle owner that, if the shared  
436 vehicle has a lien against it, the use of the shared vehicle  
437 through a peer-to-peer car-sharing program, including the use  
438 without physical damage coverage, may violate the terms of the  
439 contract with the lienholder.

440 (5) RECORDKEEPING.—A peer-to-peer car-sharing program  
441 shall:

442 (a) Collect and verify records pertaining to the use of a  
443 shared vehicle, including, but not limited to, the times used,  
444 fees paid by the shared vehicle driver, and revenues received by  
445 the shared vehicle owner.

446 (b) Retain the records in paragraph (a) for a time period  
447 not less than the applicable personal injury statute of  
448 limitations.

449 (c) Provide the information contained in the records in  
450 paragraph (a) upon request to the shared vehicle owner, the

451 shared vehicle owner's insurer, or the shared vehicle driver's  
452 insurer to facilitate a claim coverage investigation.

453 (6) CONSUMER PROTECTIONS.—

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

457 1. Any right of the peer-to-peer car-sharing program to  
458 seek indemnification from the shared vehicle owner or the shared  
459 vehicle driver for economic loss resulting from a breach of the  
460 terms and conditions of the peer-to-peer car-sharing program  
461 agreement.

462 2. That a motor vehicle insurance policy issued to the  
463 shared vehicle owner for the shared vehicle or to the shared  
464 vehicle driver does not provide a defense or indemnification for  
465 any claim asserted by the peer-to-peer car-sharing program.

466 3. That the peer-to-peer car-sharing program's insurance  
467 coverage on the shared vehicle owner and the shared vehicle  
468 driver is in effect only during each car-sharing period and  
469 that, for any use of the shared vehicle by the shared vehicle  
470 driver after the car-sharing termination time, the shared  
471 vehicle driver and the shared vehicle owner may not have  
472 insurance coverage.

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

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

478 6. An emergency telephone number of the personnel capable  
 479 of fielding calls for roadside assistance and other customer  
 480 service inquiries.

481 7. Any conditions under which a shared vehicle driver must  
 482 maintain a personal motor vehicle insurance policy with certain  
 483 applicable coverage limits on a primary basis in order to book a  
 484 shared vehicle.

485 (b) Driver license verification and data retention.-

486 1. A peer-to-peer car-sharing program may not enter into a  
 487 peer-to-peer car-sharing program agreement with a driver unless  
 488 the driver:

489 a. Holds a driver license issued under chapter 322 which  
 490 authorizes the driver to drive vehicles of the class of the  
 491 shared vehicle;

492 b. Is a nonresident who:

493 (I) Holds a driver license issued by the state or country  
 494 of the driver's residence which authorizes the driver in that  
 495 state or country to drive vehicles of the class of the shared  
 496 vehicle; and

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

499 c. Is otherwise specifically authorized by the Department  
 500 of Highway Safety and Motor Vehicles to drive vehicles of the

501 class of the shared vehicle.

502 2. A peer-to-peer car-sharing program shall keep a record  
503 of:

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

505 b. The number of the driver license of the shared vehicle  
506 driver and each other person, if any, who will operate the  
507 shared vehicle; and

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

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

520 (d) Motor vehicle safety recalls.—At the time a motor  
521 vehicle owner registers as a shared vehicle owner on a peer-to-  
522 peer car-sharing program and before the shared vehicle owner may  
523 make a shared vehicle available for car sharing on the peer-to-  
524 peer car-sharing program, the peer-to-peer car-sharing program  
525 must:

526 1. Verify that the shared vehicle does not have any safety  
527 recalls on the vehicle for which the repairs have not been made;  
528 and

529 2. Notify the shared vehicle owner that if the shared  
530 vehicle owner:

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

535 b. Receives an actual notice of a safety recall on a  
536 shared vehicle while the shared vehicle is made available on the  
537 peer-to-peer car-sharing program, he or she shall remove the  
538 shared vehicle as available on the peer-to-peer car-sharing  
539 program as soon as practicably possible after receiving the  
540 notice of the safety recall and until the safety recall repair  
541 has been made.

542 c. Receives an actual notice of a safety recall while the  
543 shared vehicle is in the possession of a shared vehicle driver,  
544 he or she shall notify the peer-to-peer car-sharing program  
545 about the safety recall as soon as practicably possible after  
546 receiving the notice of the safety recall, so that he or she may  
547 address the safety recall repair.

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

549 (a) The liability of a peer-to-peer car-sharing program  
550 for any act or omission of the peer-to-peer car-sharing program

551 which results in bodily injury to a person as a result of the  
552 use of a shared vehicle through peer-to-peer car sharing; or  
553 (b) The ability of a peer-to-peer car-sharing program to  
554 seek, by contract, indemnification from the shared vehicle owner  
555 or the shared vehicle driver for economic loss resulting from a  
556 breach of the terms and conditions of the peer-to-peer car-  
557 sharing program agreement.

558 Section 4. This act shall take effect October 1, 2021.