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Date: (Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1167, L.D. 1615, Bill, “An Act To Enact Laws Governing Private Vehicle Rentals”

Amend the bill by striking out the title and substituting the following:

'An Act To Enact the Peer-to-peer Car Sharing Insurance Act'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA c. 95 is enacted to read:

CHAPTER 95

PEER-TO-PEER CAR SHARING INSURANCE ACT

§7401. Short title

This chapter may be known and cited as "the Peer-to-peer Car Sharing Insurance Act."

§7402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Car sharing delivery period. "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

2. Car sharing period. "Car sharing period" means the time period that commences with the car sharing delivery period or, if there is no delivery period, that commences with the car sharing start time and in either case ends at the car sharing termination time.

3. Car sharing program agreement. "Car sharing program agreement" means an agreement describing the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a program.

COMMITTEE AMENDMENT

1 **4. Car sharing start time.** "Car sharing start time" means the time when a shared
2 vehicle becomes subject to the control of a shared vehicle driver, which must be at or
3 after the time the reservation of the shared vehicle is scheduled to begin as documented in
4 the records of a program.

5 **5. Car sharing termination time.** "Car sharing termination time" means the time of
6 the earliest of the following events:

7 A. The expiration of the agreed-upon period of time established for the use of a
8 shared vehicle according to the terms of the car sharing program agreement if the
9 shared vehicle is delivered to the location agreed upon in the car sharing program
10 agreement;

11 B. When the shared vehicle is returned to a location as alternatively agreed upon by
12 the shared vehicle owner and shared vehicle driver as communicated through a
13 program; and

14 C. When the shared vehicle owner or the shared vehicle owner's authorized designee
15 takes possession and control of the shared vehicle.

16 **6. Insurer.** "Insurer" means an insurer authorized to transact business in this State
17 or an insurer that is authorized as a surplus lines insurer.

18 **7. Motor vehicle.** "Motor vehicle" has the same meaning as in Title 29-A, section
19 101, subsection 42.

20 **8. Peer-to-peer car sharing.** "Peer-to-peer car sharing" means the authorized use of
21 a motor vehicle by an individual other than the registered owner through a program.

22 **9. Peer-to-peer car sharing program; program.** "Peer-to-peer car sharing
23 program" or "program" means a business platform that, digitally or otherwise, connects
24 registered owners of motor vehicles with individuals to enable the sharing of motor
25 vehicles for financial consideration.

26 **10. Provider.** "Provider" means a person that facilitates peer-to-peer car sharing
27 through the ownership and operation of a peer-to-peer car sharing program.

28 **11. Shared vehicle.** "Shared vehicle" means a motor vehicle that is:

29 A. Available for sharing through a peer-to-peer car sharing program;

30 B. Used nonexclusively for peer-to-peer car sharing pursuant to a car sharing
31 program agreement; and

32 C. Used by the shared vehicle owner for personal use outside of peer-to-peer car
33 sharing.

34 **12. Shared vehicle driver.** "Shared vehicle driver" means an individual authorized
35 to use a shared vehicle.

36 **13. Shared vehicle owner.** "Shared vehicle owner" means the registered owner of a
37 shared vehicle.

1 **§7403. Requirements and limitations for shared vehicle through peer-to-peer car**
2 **sharing**

3 **1. Classification.** A motor vehicle insured, or required to be insured, by its
4 registered owner pursuant to Title 29-A, section 1601 may not be classified as a
5 commercial motor vehicle, for-hire transportation vehicle, permissive use vehicle, taxicab
6 or livery solely on the basis that the registered owner allows the motor vehicle to be used
7 as a shared vehicle through peer-to-peer car sharing.

8 **2. Exclusion of coverage.** An insurer that writes motor vehicle liability insurance in
9 the State may exclude any coverage and the duty to defend or indemnify for any claim
10 afforded during the car sharing period under a shared vehicle owner's motor vehicle
11 liability insurance policy. Nothing in this chapter invalidates or limits an exclusion
12 contained in a motor vehicle liability insurance policy, including any insurance policy in
13 use or approved for use that excludes coverage for motor vehicles made available for
14 rent, sharing or hire or for any business use.

15 **3. Exemption; vicarious liability.** A provider and a shared vehicle owner are
16 exempt from vicarious liability in accordance with 49 United States Code, Section 30106
17 and under any state or local law that imposes liability solely based on vehicle ownership.

18 **4. Provider insurance; other requirements.** For each shared vehicle participating
19 in a program, a provider shall:

20 **A. Procure insurance coverage of the shared vehicle during the car sharing period. At**
21 **a minimum, the insurance must provide:**

22 **(1) Liability coverage in an amount not less than 3 times the minimum**
23 **requirements for liability in Title 29-A, section 1605; and**

24 **(2) Property and casualty coverage, including comprehensive and collision**
25 **protection, for physical loss to the shared vehicle during the time that the vehicle**
26 **is in the custody of the provider or shared vehicle driver to the same extent that**
27 **coverage for physical loss is provided under the shared vehicle owner's policy;**

28 **B. Provide the shared vehicle owner with suitable written proof of compliance with**
29 **the insurance requirements of this subsection. A copy of the written proof of**
30 **compliance must be maintained in the shared vehicle by the shared vehicle owner**
31 **during any time the shared vehicle is operated by a shared vehicle driver or any**
32 **individual other than the shared vehicle owner pursuant to a program;**

33 **C. Comply with the provisions of Title 29-A, section 254 relating to requirements for**
34 **retention of records relating to the identity of shared vehicle drivers, including a**
35 **record of the shared vehicle driver's driver's license and the exact time the vehicle is**
36 **used as a shared vehicle in a shared vehicle driver's possession; and**

37 **D. Cooperate in a claims coverage investigation to facilitate the exchange of relevant**
38 **information with directly involved parties and any insurer of a shared vehicle owner**
39 **or a shared vehicle driver participating in a program.**

40 **5. Cancellation or termination of insurance.** If any insurance policy procured by a
41 provider is cancelled or terminated, the provider shall send notice within 15 days to all
42 shared vehicle owners participating in the provider's program.

1 **§7404. Liability provisions**

2 **1. Provider liable as if owner.** Notwithstanding any provision of law to the
3 contrary or any provision in a motor vehicle insurance policy, in the event a loss or injury
4 occurs during a car sharing period or while a motor vehicle is under the control of a
5 provider, the provider is deemed the owner of the motor vehicle under Title 29-A, section
6 1652 and any provision of law that may impose liability upon the owner of a motor
7 vehicle solely based on ownership of the motor vehicle. The provider retains liability
8 regardless of any lapse in the provider's policy or whether that liability is covered under
9 the provider's policy or any other insurance policy under which the provider is insured.

10 **2. Indemnification.** In the event that the shared vehicle owner or the shared vehicle
11 owner's insurer is named as a defendant in a civil action for a loss or injury that occurs
12 during any time within the car sharing period or when the motor vehicle is under the
13 control of the provider, the provider's insurer has the duty to defend and indemnify the
14 shared vehicle owner and the shared vehicle owner's insurer.

15 **§7405. Insurance for peer-to-peer car sharing programs**

16 **1. Authorization for liability and property and casualty insurance.** An insurer
17 may issue or issue for delivery in this State any policy of liability and property and
18 casualty insurance to a provider to insure the provider and any shared vehicle driver or
19 authorized operator or occupant of a shared vehicle and any employee, agent or officer of
20 the program as long as the policy meets the requirements of this section.

21 **2. Coordination of insurance.** A program policy written in accordance with this
22 section is primary with respect to any other insurance available to the shared vehicle
23 owner but is secondary with respect to any other insurance available to the shared vehicle
24 driver or authorized operator or occupant of the shared vehicle. The policy must comply
25 with the requirements of section 7403, subsection 4.

26 **3. Filing of rates and forms.** For the purposes of any insurance policy written in
27 accordance with this section, the insurer shall file rates and forms with the superintendent
28 for approval.

29 **4. Identification of insured under the policy.** An insurer that issues a policy in
30 accordance with this section shall issue the policy in a manner that identifies the provider
31 as the named insured. The policy must include a provision that provides coverage without
32 prior notice to the insurer for all shared vehicles during the car sharing period and that
33 provides coverage for any shared vehicle driver or authorized operator or occupant of a
34 shared vehicle as an insured under the policy to the same extent that coverage would be
35 provided under a motor vehicle policy issued in accordance with Title 29-A, section
36 1605.

37 **§7406. Enforcement provisions**

38 **1. Investigation and examination by superintendent.** The superintendent may
39 conduct investigations and examinations of insurers or other persons to enforce the
40 provisions of this chapter. Upon request of the superintendent, a person subject to this
41 chapter shall make available to the superintendent all accounts, books and records that are

1 necessary to enable the superintendent to determine compliance or noncompliance with
2 this chapter.

3 **2. Enforcement actions.** The superintendent may assess civil penalties or take any
4 other action permitted under section 12-A against any person who violates any provision
5 of this chapter or the superintendent's rules and orders, and nothing in this section may be
6 construed as limiting the superintendent's authority to take enforcement action under
7 section 12-A in connection with violations of applicable provisions of this Title.

8 **3. Administrative procedures.** Any person aggrieved by an order of the
9 superintendent under this chapter may submit an application for a hearing as provided in
10 section 229, upon which the procedures set forth in section 229 apply.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 SUMMARY

14 This amendment replaces the bill. The amendment removes the provisions of Part A
15 of the bill, which require private vehicle rentals to comply with the same laws that apply
16 to rental vehicles, rental vehicle transactions and rental vehicle companies.

17 The amendment replaces the provision relating to insurance requirements for private
18 vehicle rentals, using different terminology to describe the practice as peer-to-peer car
19 sharing and establishing insurance requirements for peer-to-peer car sharing programs.
20 The amendment also sets forth parameters for liability when a loss or injury occurs during
21 a car sharing period or while a motor vehicle is under the control of a peer-to-peer car
22 sharing program.

23 FISCAL NOTE REQUIRED

24 (See attached)