

HB 1243 -- PEER-TO-PEER CAR SHARING AND DELIVERY NETWORK COMPANIES

SPONSOR: Coleman

This bill establishes the "Peer-to-Peer Car Sharing Program Insurance Act".

This bill defines a "peer-to-peer car sharing program", as a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. This bill requires peer-to-peer car sharing programs to assume liability of a shared vehicle owner for bodily injury or property damage. A peer-to-peer car sharing program must ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured with liability insurance. If the owner's insurance lapses or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program must provide the coverage required.

A peer-to-peer car sharing program must collect and verify records pertaining to the use of a vehicle including, but not limited to, times used, car sharing period pick-up and drop-off locations, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner.

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

- (1) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement;
- (2) Any liability of the shared vehicle owner;
- (3) Damage or loss to the shared vehicle; or
- (4) Any liability of the shared vehicle driver

A peer-to-peer car sharing program shall not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

- (1) Holds a driver's license issued by this state that authorizes the driver to operate vehicles of the class of the shared vehicle;
- (2) Is a nonresident who:

- (a) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and
- (b) Is at least the same age as the age required of a resident to drive in this state; or
- (3) Otherwise is specifically authorized by this state to drive vehicles of the class of the shared vehicle.

The Department of Commerce and Insurance will have rule making authority.

This bill also establishes the "Delivery Network Company Insurance Act".

The bill defines "delivery network company" as an entity that:

- (1) Is a corporation, partnership, sole proprietorship, or other entity;
- (2) Operates in this state; and
- (3) Uses a digital network to connect a delivery network company customer to a delivery network company driver to provide delivery services;

A delivery network company must ensure that, during the delivery availability period, if applicable, and during the delivery service period, primary motor vehicle liability insurance is in effect that: recognizes that the operator of the motor vehicle is a delivery network company driver or that doesn't exclude coverage for use of a personal vehicle to provide deliveries.

During the delivery service period and the delivery availability period, the delivery network company driver or delivery network company, or any combination of the two, must maintain motor vehicle liability insurance coverage that insures the delivery network company driver for liability to third parties of not less than:

- (1) For damages arising out of bodily injury sustained by any one person in an accident, \$50,000 ;
- (2) For damages arising out of bodily injury sustained by all persons injured in an accident, \$100,000; and
- (3) For all damages arising out of damage to or destruction of property in an accident, \$25,000.

If the insurance coverage maintained by a delivery network company driver has lapsed or does not provide the required motor vehicle liability insurance coverage, the following requirements shall apply:

(1) The insurance coverage maintained by the delivery network company must provide the motor vehicle liability insurance coverage beginning with the first \$1 of a claim; and

(2) The insurance coverage maintained by the delivery network company must provide that the motor vehicle liability insurer has the duty to defend the claim.

An insurer that is licensed to write motor vehicle liability insurance in Missouri can exclude coverage and deny the duty to defend or pay out for a claim of injury or loss that occurs during the delivery availability period and the delivery service period.