

FIRST REGULAR SESSION

HOUSE BILL NO. 1141

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRIST.

2359H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 379, RSMo, by adding thereto fourteen new sections relating to peer-to-peer car-sharing programs, 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 fourteen new sections, 2 to be known as sections 379.1900, 379.1910, 379.1915, 379.1920, 379.1925, 379.1930, 3 379.1935, 379.1940, 379.1945, 379.1950, 379.1955, 379.1960, 379.1965, and 379.1970, to 4 read as follows:

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

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

3 **(1) "Car-sharing delivery period", the period of time during which a shared 4 vehicle is being delivered to the location of the car-sharing start time, if applicable, as 5 documented by the governing car-sharing program agreement;**

6 **(2) "Car-sharing period", the period of time that commences with the car- 7 sharing delivery period or, if there is no car-sharing delivery period, that commences 8 with the car-sharing start time and in either case ends at the car-sharing termination 9 time;**

10 **(3) "Car-sharing program agreement", the terms and conditions applicable to a 11 shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle 12 through a peer-to-peer car-sharing program. The term "car-sharing program**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 agreement" shall not include a master rental agreement or a rental agreement, as such
14 terms are defined in section 407.730;

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

19 (5) "Car-sharing termination time", the earliest of the following events:

20 (a) The expiration of the agreed-upon period of time established for the use of a
21 shared vehicle according to the terms of the car-sharing program agreement if the
22 shared vehicle is delivered to the location agreed upon in the car-sharing program
23 agreement;

24 (b) When the shared vehicle is returned to a location as alternatively agreed
25 upon by the shared vehicle owner and the shared vehicle driver as communicated
26 through a peer-to-peer car-sharing program, which alternatively agreed-upon location
27 shall be incorporated into the car-sharing program agreement; or

28 (c) When the shared vehicle owner or the shared vehicle owner's authorized
29 designee takes possession and control of the shared vehicle;

30 (6) "Peer-to-peer car sharing", the authorized use of a vehicle by an individual
31 other than the vehicle's owner through a peer-to-peer car-sharing program. The term
32 "peer-to-peer car sharing" shall not include a rental car or rental activity, as described
33 in section 407.732;

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

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

41 (9) "Shared vehicle driver", an individual who has been authorized to drive the
42 shared vehicle by the shared vehicle owner under a car-sharing program agreement.
43 The term "shared vehicle driver" shall not include an authorized driver, as defined in
44 section 407.730;

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

379.1915. 1. Except as provided in subsection 2 of this section, a peer-to-peer car-sharing program shall assume liability of a shared vehicle owner for:

- (1) Bodily injury or property damage to third parties;
- (2) Uninsured motorist losses; or
- (3) To the extent personal injury protection coverage is required by law, personal injury protection losses

during the car-sharing period in an amount stated in the peer-to-peer car-sharing program agreement, which amount shall not be less than the amount required under chapter 303.

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

- (1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car-sharing program before the car-sharing period in which the loss occurred; or
- (2) Acting in concert with a shared vehicle driver who fails to return the shared vehicle in accordance with the terms of the car-sharing program agreement.

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

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

- (1) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car-sharing program; or
- (2) Does not exclude use of a shared vehicle by a shared vehicle driver.

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

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

38 **6. The insurance described in subsection 5 of this section that is satisfying the**
39 **insurance requirement of subsection 4 of this section shall be primary during each car-**
40 **sharing period. If a claim occurs in another state with minimum financial responsibility**
41 **limits higher than the minimum financial responsibility requirements in chapter 303**
42 **during the car-sharing period, the coverage maintained under subsection 5 of this**
43 **section shall satisfy the difference in minimum coverage amounts up to the applicable**
44 **policy limits.**

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

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

51 **(2) A dispute exists as to whether the shared vehicle was returned to the**
52 **alternatively agreed-upon location as required under paragraph (b) of subdivision (5) of**
53 **section 379.1910.**

54 **8. If insurance maintained by a shared vehicle owner or shared vehicle driver in**
55 **accordance with subsection 5 of this section has lapsed or does not provide the required**
56 **coverage, insurance maintained by a peer-to-peer car-sharing program shall provide the**
57 **coverage required by subsection 4 of this section, beginning with the first dollar of a**
58 **claim, and have the duty to defend such claim except under circumstances as set forth in**
59 **subsection 2 of this section.**

60 **9. Coverage under an automobile insurance policy maintained by the peer-to-**
61 **peer car-sharing program shall not be dependent on another automobile insurer first**
62 **denying a claim nor shall another automobile insurance policy be required to first deny**
63 **a claim.**

64 **10. Nothing in this section:**

65 **(1) Limits the liability of the peer-to-peer car-sharing program for any act or**
66 **omission of the peer-to-peer car-sharing program itself that results in injury to any**
67 **person as a result of the use of a shared vehicle through a peer-to-peer car-sharing**
68 **program; or**

69 **(2) Limits the ability of the peer-to-peer car-sharing program to, by contract,**
70 **seek indemnification from the shared vehicle owner or the shared vehicle driver for**
71 **economic loss sustained by the peer-to-peer car-sharing program resulting from a**
72 **breach of the terms and conditions of the car-sharing program agreement.**

379.1920. At the time when a vehicle owner registers as a shared vehicle owner
2 **on a peer-to-peer car-sharing program and prior to the time when the shared vehicle**

3 owner makes a shared vehicle available for car sharing on the peer-to-peer car-sharing
4 program, the peer-to-peer car-sharing program shall notify the shared vehicle owner
5 that, if the shared vehicle has a lien against it, the use of the shared vehicle through a
6 peer-to-peer car-sharing program, including use without physical damage coverage,
7 may violate the terms of the contract with the lienholder.

379.1925. 1. An authorized insurer that writes motor vehicle liability insurance
2 in this state may exclude any and all coverage and the duty to defend or indemnify for
3 any claim afforded under a shared vehicle owner's motor vehicle liability insurance
4 policy including, but not limited to:

- 5 (1) Liability coverage for bodily injury and property damage;
- 6 (2) Personal injury protection coverage;
- 7 (3) Uninsured and underinsured motorist coverage;
- 8 (4) Medical payments coverage;
- 9 (5) Comprehensive physical damage coverage; and
- 10 (6) Collision physical damage coverage.

11 2. Nothing in sections 379.1900 to 379.1970 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. Nothing in sections 379.1900 to 379.1970 invalidates, limits, or restricts an
16 insurer's ability under existing law to underwrite any insurance policy. Nothing in
17 sections 379.1900 to 379.1970 invalidates, limits, or restricts an insurer's ability under
18 existing law to cancel and nonrenew policies.

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

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

379.1940. A motor vehicle insurer that defends or indemnifies a claim against a
2 shared vehicle that is excluded under the terms of its policy shall have the right to seek

3 recovery against the motor vehicle insurer of the peer-to-peer car-sharing program if
4 the claim is:

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

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

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

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

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

9 (1) Liabilities assumed by the peer-to-peer car-sharing program under a peer-
10 to-peer car-sharing program agreement;

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

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

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

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

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

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

10 (3) That the peer-to-peer car-sharing program's insurance coverage on the
11 shared vehicle owner and the shared vehicle driver is in effect only during each car-
12 sharing period and that, for any use of the shared vehicle by the shared vehicle driver
13 after the car-sharing termination time, the shared vehicle driver and the shared vehicle
14 owner may not have insurance coverage;

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

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

19 **(6) An emergency telephone number to personnel capable of fielding roadside**
20 **assistance and other customer service inquiries; and**

21 **(7) Whether there are conditions under which a shared vehicle driver is required**
22 **to maintain a personal automobile insurance policy with certain applicable coverage**
23 **limits on a primary basis in order to book a shared motor vehicle.**

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

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

6 **(2) Is a nonresident who:**

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

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

12 **(3) Otherwise is specifically authorized by this state to drive vehicles of the class**
13 **of the shared vehicle.**

14 **2. A peer-to-peer car-sharing program shall keep a record of:**

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

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

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

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

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

5 **(1) Verify that the shared vehicle does not have any safety recalls on the vehicle**
6 **for which the repairs have not been made; and**

7 **(2) Notify the shared vehicle owner of the requirements under subsection 2 of**
8 **this section.**

9 **2. (1) If the shared vehicle owner has received an actual notice of a safety recall**
10 **on the vehicle, the shared vehicle owner shall not make the vehicle available as a shared**
11 **vehicle on a peer-to-peer car-sharing program until the safety recall repair has been**
12 **made.**

13 **(2) If a shared vehicle owner receives an actual notice of a safety recall on a**
14 **shared vehicle while the shared vehicle is made available on the peer-to-peer car-sharing**
15 **program, the shared vehicle owner shall remove the shared vehicle as available on the**
16 **peer-to-peer car-sharing program as soon as practicable after receiving the notice of the**
17 **safety recall and until the safety recall repair has been made.**

18 **(3) If a shared vehicle owner receives an actual notice of a safety recall while the**
19 **shared vehicle is being used in the possession of a shared vehicle driver, as soon as**
20 **practicable after receiving the notice of the safety recall, the shared vehicle owner shall**
21 **notify the peer-to-peer car-sharing program about the safety recall so that the shared**
22 **vehicle owner may address the safety recall repair.**

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

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

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