

## House Amendments to Senate Bill No. 2530

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

31        SECTION 1.   **Title.**   This chapter shall be known and may be  
32 cited as the Peer-to-Peer Car Sharing Program Act.

33        SECTION 2.   **Definitions.**   For purposes of this chapter, the  
34 following terms shall have the meanings defined herein unless the  
35 context clearly indicates otherwise:

36           (a)   "Car Sharing Delivery Period" means the period of  
37 time during which a shared vehicle is being delivered to the  
38 location of the car sharing start time, if applicable, as  
39 documented by the governing car sharing program agreement.

40           (b)   "Car Sharing Period" means the period of time that  
41 commences with the car sharing delivery period or, if there is no  
42 car sharing delivery period, the period of time that commences  
43 with the car sharing start time and in either case ends at the car  
44 sharing termination time.

45           (c)   "Car Sharing Program Agreement" means the terms and  
46 conditions applicable to a shared vehicle owner and a shared

47 vehicle driver that governs the use of a shared vehicle through a  
48 peer-to-peer car sharing program.

49 (d) "Car Sharing Start Time" means the time when the  
50 shared vehicle becomes subject to the control of the shared  
51 vehicle driver at or after the time the reservation of a shared  
52 vehicle is scheduled to begin as documented in the records of a  
53 peer-to-peer car sharing program.

54 (e) "Car Sharing Termination Time" means the earliest  
55 of the following events:

56 (i) The expiration of the agreed upon period of  
57 time established for the use of a shared vehicle according to the  
58 terms of the car sharing program agreement if the shared vehicle  
59 is delivered to the location agreed upon in the car sharing  
60 program agreement;

61 (ii) When the shared vehicle is returned to a  
62 location as alternatively agreed upon by the shared vehicle owner  
63 and shared vehicle driver as communicated through a peer-to-peer  
64 car sharing program, which alternatively agreed upon location  
65 shall be incorporated into the car sharing program agreement; or

66 (iii) When the shared vehicle owner or the shared  
67 vehicle owner's authorized designee, takes possession and control  
68 of the shared vehicle.

69 (f) "Peer-to-Peer Car Sharing" means the authorized use  
70 of a vehicle by an individual other than the vehicle's owner  
71 through a peer-to-peer car sharing program. This term shall not  
72 be construed to mean rental car or rental activity.

73 (g) "Peer-to-Peer Car Sharing Program" means a business  
74 platform that connects vehicle owners with drivers to enable the  
75 sharing of vehicles for financial consideration. This term shall  
76 not mean rental car company. An individual or business entity  
77 lawfully engaging in a peer-to-peer car sharing program shall not  
78 be considered as any of the following:

79 (i) As a "rental company" as that term is defined  
80 in Section 27-19-40(4);

81 (ii) As being engaged in renting a motor vehicle  
82 to another within the meaning of Section 63-1-67;

83 (iii) As a "transportation network company" as  
84 that term is defined in Section 77-8-1; or

85 (iv) As being engaged in the business of renting  
86 motor vehicles under rental agreements within the meaning of  
87 Section 75-24-8.

88 (h) "Shared Vehicle" means a vehicle that is available  
89 for sharing through a peer-to-peer car sharing program.

90 (i) "Shared Vehicle Driver" means an individual who has  
91 been authorized to drive the shared vehicle by the shared vehicle  
92 owner under a car sharing program agreement.

93 (j) "Shared Vehicle Owner" means the registered owner,  
94 or a person or entity designated by the registered owner, of a  
95 vehicle made available for sharing to shared vehicle drivers  
96 through a peer-to-peer car sharing program. A shared vehicle  
97 owner shall not mean a person "renting a motor vehicle to another"  
98 as that activity is described in Section 63-1-67. A shared

99 vehicle owner is not "engaged in the business of renting motor  
100 vehicles under rental agreements" within the meaning of Section  
101 75-24-8.

102 **SECTION 3. Insurance coverage during car sharing period.**

103 (1) Except as provided in subsection (2) of this section, a  
104 peer-to-peer car sharing program shall assume liability of a  
105 shared vehicle owner for bodily injury or property damage to third  
106 parties, or uninsured and underinsured motorist losses, during the  
107 car sharing period in an amount stated in the peer-to-peer car  
108 sharing program agreement, provided that the amount shall not be  
109 less than that set forth in Section 63-15-43.

110 (2) Notwithstanding the definition of "car sharing  
111 termination time" as set forth in this act, the assumption of  
112 liability under subsection (1) of this section shall not apply to  
113 any shared vehicle owner when:

114 (a) A shared vehicle owner makes an intentional or  
115 fraudulent material misrepresentation or omission to the  
116 peer-to-peer car sharing program before the car sharing period in  
117 which the loss occurred; or

118 (b) Acting in concert with a shared vehicle driver who  
119 fails to return the shared vehicle pursuant to the terms of the  
120 car sharing program agreement.

121 (3) Notwithstanding the definition of "car sharing  
122 termination time" as set forth in this act, the assumption of  
123 liability under subsection (1) of this section shall include any  
124 bodily injury or property damage losses by damaged third parties,

125 or uninsured and underinsured motorist losses, as required by  
126 Sections 63-15-1 et seq.

127 (4) A peer-to-peer car sharing program shall ensure that,  
128 during each car sharing period, the shared vehicle owner and the  
129 shared vehicle driver are insured under a motor vehicle liability  
130 insurance policy that provides insurance coverage in amounts no  
131 less than the minimum amounts set forth in Section 63-15-43; and

132 (a) Recognizes that the shared vehicle insured under  
133 the policy is made available and used through a peer-to-peer car  
134 sharing program; or

135 (b) Does not exclude use of a shared vehicle by a  
136 shared vehicle driver.

137 (5) The insurance described under subsection (4) of this  
138 section may be satisfied by motor vehicle liability insurance  
139 maintained by:

140 (a) A shared vehicle owner;

141 (b) A shared vehicle driver;

142 (c) A peer-to-peer car sharing program; or

143 (d) Both a shared vehicle owner, a shared vehicle  
144 driver and a peer-to-peer car sharing program.

145 (6) The insurance described in subsection (5) of this  
146 section that is satisfying the insurance requirement of subsection  
147 (4) of this section shall be primary during each car sharing  
148 period, and in the event that a claim occurs in another state with  
149 minimum financial responsibility limits higher than the minimum  
150 amounts set forth in Section 63-15-43, during the car sharing

151 period, the coverage maintained under subsection (5) shall satisfy  
152 the difference in minimum coverage amounts, up to the applicable  
153 policy limits.

154 (7) The insurer, insurers or peer-to-peer car sharing  
155 program providing coverage under subsections (4) or (5) of this  
156 section shall assume primary liability for a claim when:

157 (a) A dispute exists as to who was in control of the  
158 shared motor vehicle at the time of the loss and the peer-to-peer  
159 car sharing program does not have available, did not retain or  
160 fails to provide the information required by Section 8 of this  
161 act; or

162 (b) A dispute exists as to whether the shared vehicle  
163 was returned to the alternatively agreed upon location.

164 (8) If insurance maintained by a shared vehicle owner or  
165 shared vehicle driver in accordance with subsection (5) of this  
166 section has lapsed or does not provide the required coverage,  
167 insurance maintained by a peer-to-peer car sharing program shall  
168 provide the coverage required by subsection (4) of this section  
169 beginning with the first dollar of a claim and have the duty to  
170 defend such claim except under circumstances as set forth in  
171 subsection (2) of this section.

172 (9) Coverage under an automobile insurance policy maintained  
173 by the peer-to-peer car sharing program shall not be dependent on  
174 another automobile insurer first denying a claim nor shall another  
175 automobile insurance policy be required to first deny a claim.

176 (10) Nothing in this act:

177 (a) Limits the liability of the peer-to-peer car  
178 sharing program for any act or omission of the peer-to-peer car  
179 sharing program itself that results in injury to any person as a  
180 result of the use of a shared vehicle through a peer-to-peer car  
181 sharing program; or

182 (b) Limits the ability of the peer-to-peer car sharing  
183 program to, by contract, seek indemnification from the shared  
184 vehicle owner or the shared vehicle driver for economic loss  
185 sustained by the peer-to-peer car sharing program resulting from a  
186 breach of the terms and conditions of the car sharing program  
187 agreement.

188 **SECTION 4. Notification of Implications of Lien.** At the  
189 time when a vehicle owner registers as a shared vehicle owner on a  
190 peer-to-peer car sharing program and before the time when the  
191 shared vehicle owner makes a shared vehicle available for car  
192 sharing on the peer-to-peer car sharing program, the peer-to-peer  
193 car sharing program shall notify the shared vehicle owner that, if  
194 the shared vehicle has a lien against it, the use of the shared  
195 vehicle through a peer-to-peer car sharing program, including use  
196 without physical damage coverage, may violate the terms of the  
197 contract with the lienholder.

198 **SECTION 5. Exclusions in motor vehicle liability insurance**  
199 **policies.** (1) An authorized insurer that writes motor vehicle  
200 liability insurance in the state may exclude any and all coverage  
201 and the duty to defend or indemnify for any claim afforded under a

202 shared vehicle owner's motor vehicle liability insurance policy,  
203 including, but not limited to:

204 (a) Liability coverage for bodily injury and property  
205 damage;

206 (b) Uninsured and underinsured motorist coverage;

207 (c) Medical payments coverage;

208 (d) Comprehensive physical damage coverage; and

209 (e) Collision physical damage coverage.

210 (2) Nothing in this act:

211 (a) Invalidates or limits an exclusion contained in a  
212 motor vehicle liability insurance policy, including any insurance  
213 policy in use or approved for use that excludes coverage for motor  
214 vehicles made available for rent, sharing or hire or for any  
215 business use;

216 (b) Invalidates, limits or restricts an insurer's  
217 ability under existing law to underwrite any insurance policy; or

218 (c) Invalidates, limits or restricts an insurer's  
219 ability under existing law to cancel and nonrenew policies.

220 **SECTION 6. Recordkeeping; use of vehicle in car sharing.**

221 A peer-to-peer car sharing program shall collect and verify  
222 records pertaining to the use of a vehicle, including, but not  
223 limited to, times used, car sharing period pick-up and drop-off  
224 locations, fees paid by the shared vehicle driver and revenues  
225 received by the shared vehicle owner and provide that information  
226 upon request to the shared vehicle owner, the shared vehicle  
227 owner's insurer or the shared vehicle driver's insurer to



228 facilitate a claim coverage investigation, settlement, negotiation  
229 or litigation. The peer-to-peer car sharing program shall retain  
230 the records for a time period not less than the three-year  
231 limitation under Section 15-1-49.

232 **SECTION 7. Vicarious liability.** A peer-to-peer car sharing  
233 program and a shared vehicle owner shall be exempt from vicarious  
234 liability consistent with 49 USC Section 30106 and under any state  
235 or local law that imposes liability solely based on vehicle  
236 ownership.

237 **SECTION 8. Contribution against indemnification.** A motor  
238 vehicle insurer that defends or indemnifies a claim against a  
239 shared vehicle that is excluded under the terms of its policy  
240 shall have the right to seek recovery against the motor vehicle  
241 insurer of the peer-to-peer car sharing program if the claim is:

242 (a) Made against the shared vehicle owner or the shared  
243 vehicle driver for loss or injury that occurs during the car  
244 sharing period; and

245 (b) Excluded under the terms of its policy.

246 **SECTION 9. Insurable interest.** (1) Notwithstanding any  
247 other law, statute, rule or regulation to the contrary, a  
248 peer-to-peer car sharing program shall have an insurable interest  
249 in a shared vehicle during the car sharing period.

250 (2) Nothing in this section creates liability on a  
251 peer-to-peer car sharing program to maintain the coverage mandated  
252 by Section 3 of this act.

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

256 (a) Liabilities assumed by the peer-to-peer car sharing  
257 program under a peer-to-peer car sharing program agreement;

258 (b) Any liability of the shared vehicle owner; or

259 (c) Damage or loss to the shared motor vehicle or any  
260 liability of the shared vehicle driver.

261 **SECTION 10. Consumer protection disclosures.** (1) Each car  
262 sharing program agreement made in the state shall disclose to the  
263 shared vehicle owner and the shared vehicle driver:

264 (a) Any right of the peer-to-peer car sharing program  
265 to seek indemnification from the shared vehicle owner or the  
266 shared vehicle driver for economic loss sustained by the  
267 peer-to-peer car sharing program resulting from a breach of the  
268 terms and conditions of the car sharing program agreement;

269 (b) That a motor vehicle liability insurance policy  
270 issued to the shared vehicle owner for the shared vehicle or to  
271 the shared vehicle driver does not provide a defense or  
272 indemnification for any claim asserted by the peer-to-peer car  
273 sharing program;

274 (c) That the peer-to-peer car sharing program's  
275 insurance coverage on the shared vehicle owner and the shared  
276 vehicle driver is in effect only during each car sharing period  
277 and that, for any use of the shared vehicle by the shared vehicle  
278 driver after the car sharing termination time, the shared vehicle

279 driver and the shared vehicle owner may not have insurance  
280 coverage;

281 (d) The daily rate, fees, and if applicable, any  
282 insurance or protection package costs that are charged to the  
283 shared vehicle owner or the shared vehicle driver;

284 (e) That the shared vehicle owner's motor vehicle  
285 liability insurance may not provide coverage for a shared vehicle;

286 (f) An emergency telephone number to personnel capable  
287 of fielding roadside assistance and other customer service  
288 inquiries; and

289 (g) If there are conditions under which a shared  
290 vehicle driver must maintain a personal automobile insurance  
291 policy with certain applicable coverage limits on a primary basis  
292 in order to book a shared motor vehicle.

293 **SECTION 11. Driver's license verification and data**

294 **retention.** (1) A peer-to-peer car sharing program may not enter  
295 into a peer-to-peer car sharing program agreement with a driver  
296 unless the driver who will operate the shared vehicle:

297 (a) Holds a driver's license issued under Section  
298 63-1-5 that authorizes the driver to operate vehicles of the class  
299 of the shared vehicle; or

300 (b) Is a nonresident who:

301 (i) Has a driver's license issued by the state or  
302 country of the driver's residence that authorizes the driver in  
303 that state or country to drive vehicles of the class of the shared  
304 vehicle; and

305 (ii) Is at least the same age as that required of  
306 a resident to drive; or

307 (c) Otherwise is specifically authorized under Title  
308 63, Chapter 1, Mississippi Code of 1972, to drive vehicles of the  
309 class of the shared vehicle.

310 (2) A peer-to-peer car sharing program shall keep a record  
311 of:

312 (a) The name and address of the shared vehicle driver;

313 (b) The number of the driver's license of the shared  
314 vehicle driver and each other person, if any, who will operate the  
315 shared vehicle; and

316 (c) The place of issuance of the driver's license.

317 **SECTION 12. Responsibility for equipment.** A peer-to-peer  
318 car sharing program shall have sole responsibility for any  
319 equipment, such as a GPS system or other special equipment that is  
320 put in or on the vehicle to monitor or facilitate the car sharing  
321 transaction, and shall agree to indemnify and hold harmless the  
322 vehicle owner for any damage to or theft of such equipment during  
323 the sharing period not caused by the vehicle owner. The  
324 peer-to-peer car sharing program has the right to seek indemnity  
325 from the shared vehicle driver for any loss or damage to such  
326 equipment that occurs during the sharing period.

327 **SECTION 13. Automobile safety recalls.** (1) At the time  
328 when a vehicle owner registers as a shared vehicle owner on a  
329 peer-to-peer car sharing program and before the time when the  
330 shared vehicle owner makes a shared vehicle available for car

331 sharing on the peer-to-peer car sharing program, the peer-to-peer  
332 car sharing program shall:

333 (a) Verify that the shared vehicle does not have any  
334 safety recalls on the vehicle for which the repairs have not been  
335 made; and

336 (b) Notify the shared vehicle owner of the requirements  
337 under subsection (2) of this section.

338 (2) (a) If the shared vehicle owner has received an actual  
339 notice of a safety recall on the vehicle, a shared vehicle owner  
340 shall not make a vehicle available as a shared vehicle on a  
341 peer-to-peer car sharing program until the safety recall repair  
342 has been made.

343 (b) If a shared vehicle owner receives an actual notice  
344 of a safety recall on a shared vehicle while the shared vehicle is  
345 made available on the peer-to-peer car sharing program, the shared  
346 vehicle owner shall remove the shared vehicle as available on the  
347 peer-to-peer car sharing program, as soon as practicably possible  
348 after receiving the notice of the safety recall and until the  
349 safety recall repair has been made.

350 (c) If a shared vehicle owner receives an actual notice  
351 of a safety recall while the shared vehicle is being used in the  
352 possession of a shared vehicle driver, as soon as practicably  
353 possible after receiving the notice of the safety recall, the  
354 shared vehicle owner shall notify the peer-to-peer car sharing  
355 program about the safety recall so that the shared vehicle owner  
356 may address the safety recall repair.

357           **SECTION 14. Regulations.** The Commissioner of Insurance may  
358 promulgate rules and regulations that are necessary to administer  
359 and enforce the provisions of this act provided that such rules  
360 and regulations are not inconsistent with the provisions of this  
361 act.

362           **SECTION 15.** Section 27-19-40, Mississippi Code of 1972, is  
363 amended as follows:

364           27-19-40. (1) A motor vehicle dealer or automobile auction  
365 may apply to the State Tax Commission for special in-transit tags  
366 or plates, which when properly displayed shall authorize the motor  
367 vehicle dealer or automobile auction to operate a motor vehicle  
368 upon the highways of this state without paying the annual highway  
369 privilege tax upon such vehicle and without attaching any other  
370 license tag or plate to such vehicle, if:

371                   (a) The movement of the motor vehicle is for the  
372 purpose of sale of such vehicle to another motor vehicle dealer or  
373 automobile auction;

374                   (b) The motor vehicle is being moved from the place of  
375 business of one motor vehicle dealer or automobile auction to the  
376 place of business of another motor vehicle dealer or automobile  
377 auction; and

378                   (c) The special in-transit tag or plate is displayed in  
379 plain view on the motor vehicle in the manner prescribed by the  
380 State Tax Commission.

381           (2) A motor vehicle dealer or automobile auction may apply  
382 for a temporary tag or plate to be used when a motor vehicle in

383 this state is sold by the motor vehicle dealer or automobile  
384 auction to a nonresident of the State of Mississippi or when a  
385 motor vehicle is sold by a motor vehicle dealer or automobile  
386 auction to a Mississippi resident who may temporarily exit this  
387 state before obtaining a Mississippi tag or plate. Such tag or  
388 plate when properly displayed shall authorize the purchaser of  
389 such a motor vehicle to operate the motor vehicle upon the  
390 highways of this state. The temporary tag or plate shall be valid  
391 for a period of seven (7) full working days, exclusive of the date  
392 of purchase, after the date the motor vehicle is purchased;  
393 however, if the temporary tag or plate is issued to a nonresident  
394 of the State of Mississippi, the temporary tag or plate shall be  
395 valid for the number of days within which the nonresident is  
396 required to obtain a permanent motor vehicle license tag or plate  
397 by the laws of the nonresident's state of residence.

398 (3) The State Tax Commission shall issue such tags or plates  
399 to each motor vehicle dealer or automobile auction who applies for  
400 them upon payment of a fee in an amount equal to Two Dollars  
401 (\$2.00) for each in-transit tag or plate and Five Dollars (\$5.00)  
402 for each temporary tag or plate.

403 (4) Whenever a rental company acquires a vehicle from a  
404 dealer by sale or otherwise, the rental company may apply for a  
405 temporary tag or plate to be issued by the dealer. Such tag or  
406 plate, when properly displayed, authorizes the rental company to  
407 operate the motor vehicle upon the highways of this state. The  
408 temporary tag or plate is valid for a period of thirty (30) full

409 working days, exclusive of the date of delivery. Any dealer  
410 issuing a temporary tag under this subsection may collect from the  
411 purchaser requesting the issuance of the temporary tag a fee of  
412 Five Dollars (\$5.00). The penalties established under Section  
413 27-19-63, are not applicable until after the expiration of the  
414 thirty-day period under this subsection. For the purposes of this  
415 subsection, the term "rental company" means any person or entity  
416 in the business of providing primarily motor vehicles to the  
417 public under a rental agreement for a rental period not to exceed  
418 thirty (30) days, provided that any person or business entity  
419 lawfully engaging in a peer-to-peer car sharing program under the  
420 Peer-to-Peer Car Sharing Program Act shall not be considered as a  
421 rental company.

422 (5) The tags or plates authorized pursuant to this section  
423 shall be designed by the State Tax Commission. The State Tax  
424 Commission shall adopt rules and regulations necessary to  
425 implement this section, including, but not limited to, rules and  
426 regulations establishing procedures for issuing such tags or  
427 plates and for the use and display of such tags or plates. Each  
428 motor vehicle dealer or automobile auction who is issued tags or  
429 plates pursuant to this section shall keep such records as may be  
430 required by the State Tax Commission.

431 (6) Any motor vehicle dealer or automobile auction who uses  
432 a tag or plate issued pursuant to this section for a purpose that  
433 is not authorized by this section shall be guilty of a misdemeanor  
434 and, upon conviction thereof, shall be punished by a fine of One



435 Thousand Dollars (\$1,000.00), and the use of all tags or plates  
436 issued to such motor vehicle dealer or automobile auction pursuant  
437 to this section shall be suspended for a period of one (1) year.

438 (7) As used in this section, the terms "motor vehicle  
439 dealer" and "automobile auction" shall have the meanings ascribed  
440 to such terms in Section 27-19-303, Mississippi Code of 1972.

441 **SECTION 16.** Section 63-1-67, Mississippi Code of 1972, is  
442 amended as follows:

443 63-1-67. (1) No person shall rent a motor vehicle to any  
444 other person unless the latter person is then duly licensed under  
445 the provisions of this article, or, in the case of a nonresident,  
446 then duly licensed under the laws of the state or country of his  
447 residence except a nonresident whose home state or country does  
448 not require that an operator be licensed.

449 (2) No person shall rent a motor vehicle to another until he  
450 has inspected the license of the person to whom the vehicle is to  
451 be rented and compared and verified the signature thereon with the  
452 signature of such person written in his presence.

453 (3) Every person renting a motor vehicle to another shall  
454 keep a record of the registration number of the motor vehicle so  
455 rented, the name and address of the person to whom the vehicle is  
456 rented, the number of the license of said latter person and the  
457 date and place when and where said license was issued. Such  
458 record shall be open to inspection by any police officer or  
459 officers or employee of the commissioner.

460       (4) The provisions of this section shall not apply to any  
461 person or business entity lawfully engaging in a peer-to-peer car  
462 sharing program or acting as a shared vehicle owner under the  
463 Peer-to-Peer Car Sharing Program Act.

464       **SECTION 17.** Section 77-8-1, Mississippi Code of 1972, is  
465 amended as follows:

466       77-8-1. (1) As used in this chapter:

467           (a) "Personal vehicle" means a vehicle that is used by  
468 a transportation network company driver and is:

469                   (i) Owned, leased or otherwise authorized for use  
470 by the transportation network company driver; and

471                   (ii) Not a common carrier by motor vehicle,  
472 contract carrier by motor vehicle, or restricted motor carrier  
473 under Chapter 7, Title 77, Mississippi Code of 1972.

474           (b) "Commissioner" means the Commissioner of Insurance.

475           (c) "Department" means the Mississippi Department of  
476 Insurance.

477           (d) "Digital network" means any online-enabled  
478 technology application service, website or system offered or  
479 utilized by a transportation network company that enables the  
480 prearrangement of rides with transportation network company  
481 drivers.

482           (e) "Transportation network company" means a  
483 corporation, partnership, sole proprietorship, or other entity  
484 that is licensed under this chapter and operating in Mississippi  
485 that uses a digital network to connect transportation network

486 company riders to transportation network company drivers who  
487 provide prearranged rides. A transportation network company shall  
488 not be deemed to control, direct or manage the personal vehicles  
489 or transportation network company drivers that connect to its  
490 digital network, except where agreed to by written contract.

491 (f) "Transportation network company driver" or "driver"  
492 means an individual who:

493 (i) Receives connections to potential passengers  
494 and related services from a transportation network company in  
495 exchange for payment of a fee to the transportation network  
496 company; and

497 (ii) Uses a personal vehicle to offer or provide a  
498 prearranged ride to riders upon connection through a digital  
499 network controlled by a transportation network company in return  
500 for compensation or payment of a fee.

501 (g) "Transportation network company rider" or "rider"  
502 means an individual or persons who use a transportation network  
503 company's digital network to connect with a transportation network  
504 driver who provides prearranged rides to the rider in the driver's  
505 personal vehicle between points chosen by the rider.

506 (h) "Prearranged ride" means the provision of  
507 transportation by a driver to a rider, beginning when a driver  
508 accepts a ride requested by a rider through a digital network  
509 controlled by a transportation network company, continuing while  
510 the driver transports a requesting rider, and ending when the last  
511 requesting rider departs from the personal vehicle. A prearranged

512 ride does not include transportation provided using a common  
513 carrier by motor vehicle, contract carrier by motor vehicle, or  
514 restricted motor carrier under Chapter 7, Title 77, Mississippi  
515 Code of 1972. A prearranged ride does not include shared expense  
516 carpool arrangements or vanpooling as defined in Section 77-7-7,  
517 or any other type of arrangement or service in which the driver  
518 receives a fee that does not exceed the driver's costs associated  
519 with providing the ride.

520 (2) The provisions of this section shall not apply to any  
521 person or business entity lawfully engaging in a peer-to-peer car  
522 sharing program under the Peer-to-Peer Car Sharing Program Act.

523 **SECTION 18.** Section 75-24-8, Mississippi Code of 1972, is  
524 amended as follows:

525 75-24-8. (1) The following words and phrases when used in  
526 this section have the meaning respectively ascribed to them,  
527 except for instances where the context clearly describes and  
528 indicates a different meaning:

529 (a) "Additional mandatory charge" means any separately  
530 stated charges that a renter is required to pay that specifically  
531 relate to the operation of a rental vehicle. This term includes,  
532 but is not limited to, a customer facility charge, airport  
533 concession recovery fee, vehicle license recovery fee, and any  
534 government imposed taxes or fees.

535 (b) "Quote" means an estimated cost of rental provided  
536 to a potential customer based on information provided by the

537 customer, including potential dates of rental, location or class  
538 of vehicle.

539 (c) "Vehicle license recovery fee" means a charge to  
540 recover costs to license, title, register, plate, or inspect a  
541 rental vehicle that are incurred by a person or entity engaged in  
542 the business of renting motor vehicles under rental agreements.

543 (2) If a person or entity engaged in the business of renting  
544 motor vehicles under rental agreements imposes additional  
545 mandatory charges, the person or entity shall:

546 (a) Provide a good-faith estimate of the total charges  
547 for the entire rental, including all additional mandatory charges,  
548 whenever a quote is provided to a potential customer. The  
549 good-faith estimate may exclude mileage charges and charges for  
550 optional items that cannot be determined prior to completing a  
551 rental reservation based on the information provided by the  
552 potential customer; and

553 (b) Disclose in the rental contract provided to the  
554 renter the total charges for the entire rental, including all  
555 additional mandatory charges. Total charges for the entire rental  
556 do not include any charges that cannot be determined at the time  
557 the rental commences.

558 (3) The provisions of this section shall not apply to any  
559 person or business entity lawfully engaging in a peer-to-peer car  
560 sharing program under the Peer-to-Peer Car Sharing Program Act.

561 **SECTION 19.** Section 27-17-35, Mississippi Code of 1972, is  
562 amended as follows:

563 27-17-35. (1) Upon each person operating a taxicab,  
564 U-drive-it, or other forms of renting motor vehicles (for the  
565 transportation of persons for hire), whether driven by the person  
566 renting same, or by driver furnished by the person operating the  
567 station, for each automobile so operated, as follows:

568 In municipalities of class 1.....\$15.00  
569 In municipalities of class 2.....\$10.00  
570 In municipalities of classes 3, 4, 5, 6, 7, and elsewhere in  
571 the county.....\$ 5.00

572 (2) The provisions of this section shall not apply to any  
573 person or business entity lawfully engaging in a peer-to-peer car  
574 sharing program or acting as a shared vehicle owner under the  
575 Peer-to-Peer Car Sharing Program Act.

576 **SECTION 20. Effective date.** This act shall take effect and  
577 be in force from and after two hundred and seventy (270) days from  
578 the date that the Governor signed the bill, or if the Governor did  
579 not sign the bill, then two hundred and seventy (270) days from  
580 the date the bill became law absent the Governor's signature.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE PEER-TO-PEER CAR SHARING PROGRAM ACT; TO  
2 AUTHORIZE VEHICLE OWNERS AND DRIVERS TO USE A BUSINESS PLATFORM  
3 FOR THE SHARING OF VEHICLES FOR FINANCIAL CONSIDERATION; TO  
4 PROVIDE FOR DEFINITIONS RELATED TO THE ACT; TO PROVIDE THAT A  
5 PEER-TO-PEER CAR SHARING PROGRAM SHALL ASSUME LIABILITY OF A  
6 SHARED VEHICLE OWNER FOR CERTAIN INJURIES OR DAMAGE WITH CERTAIN  
7 EXCEPTIONS; TO REQUIRE CERTAIN NOTIFICATIONS TO SHARED VEHICLE  
8 OWNERS ABOUT THE USE OF THEIR VEHICLE; TO PROVIDE THAT AN  
9 AUTHORIZED MOTOR VEHICLE LIABILITY INSURER MAY EXCLUDE CERTAIN  
10 COVERAGE IN SHARED VEHICLE OWNERS' INSURANCE POLICIES; TO REQUIRE

11 A PEER-TO-PEER CAR SHARING PROGRAM TO COLLECT AND VERIFY RECORDS  
12 PERTAINING TO THE USE OF A SHARED VEHICLE; TO EXEMPT A  
13 PEER-TO-PEER CAR SHARING PROGRAM AND A SHARED VEHICLE OWNER FROM  
14 VICARIOUS LIABILITY; TO PROVIDE THAT AN AUTHORIZED MOTOR VEHICLE  
15 LIABILITY INSURER MAY HAVE CERTAIN INDEMNITY RIGHTS; TO PROVIDE  
16 THAT A PEER-TO-PEER CAR SHARING PROGRAM SHALL HAVE AN INSURABLE  
17 INTEREST IN A SHARED VEHICLE DURING THE CAR SHARING PERIOD; TO  
18 REQUIRE A CAR SHARING PROGRAM AGREEMENT TO HAVE CERTAIN CONSUMER  
19 PROTECTION DISCLOSURES; TO REQUIRE A PEER-TO-PEER CAR SHARING  
20 PROGRAM TO VERIFY DRIVER'S LICENSES; TO PROVIDE FOR SPECIFIC  
21 PROCEDURES REQUIRED OF PEER-TO-PEER CAR SHARING PROGRAMS IN  
22 REGARDS TO AUTOMOBILE SAFETY RECALLS; TO PROVIDE THAT THE  
23 COMMISSIONER OF INSURANCE SHALL HAVE THE AUTHORITY TO PROMULGATE  
24 RULES AND REGULATIONS THAT ARE NECESSARY TO ADMINISTER AND ENFORCE  
25 THE PROVISIONS OF THIS ACT PROVIDED THAT SUCH RULES AND  
26 REGULATIONS ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS ACT;  
27 TO AMEND SECTIONS 27-19-40, 63-1-67, 77-8-1, 75-24-8 AND 27-17-35,  
28 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
29 ACT; AND FOR RELATED PURPOSES.

HR43\SB2530A.J

Andrew Ketchings  
Clerk of the House of Representatives