

By: Representative Ford (54th)

To: Insurance

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1048

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.

30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:



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.

