

HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-9.2.

Synopsis: Peer to peer vehicle sharing. Defines peer to peer vehicle sharing. Provides requirements for a peer to peer vehicle sharing program. Provides that a shared vehicle may not be shared on a peer to peer vehicle program if any safety recalls have not been repaired. Provides insurance requirements for a shared vehicle if the vehicle will be shared on a peer to peer vehicle sharing program. Provides that a political subdivision may not enact or enforce an ordinance, resolution, policy, or rule to regulate peer to peer vehicle sharing. Defines terms.

Effective: July 1, 2019.

Eberhart, VanNatter

January 14, 2019, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1362

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-9.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]:

4 **Chapter 9.2. Peer to Peer Vehicle Sharing**
5 **Sec. 1. As used in this chapter, "delivery period" means a period**
6 **during which a shared vehicle is delivered to a location identified**
7 **in the shared vehicle agreement before the vehicle sharing start**
8 **time.**

9 **Sec. 2. As used in this chapter, "motor vehicle insurance policy"**
10 **means an insurance policy that provides:**

11 (1) the types of insurance described in Class 2(f) of
12 IC 27-1-5-1; and

13 (2) coverage in not less than the minimum amounts required
14 by IC 9-25-4-5.

15 **Sec. 3. As used in this chapter, "peer to peer vehicle sharing" or**
16 **"P2P vehicle sharing" means the authorized use of a shared vehicle**
17 **by a person other than the shared vehicle's owner as part of a P2P**



1 vehicle sharing program.

2 Sec. 4. As used in this chapter, "peer to peer vehicle sharing
3 program" or "P2P vehicle sharing program" means an online
4 platform operated by an entity under which a shared vehicle owner
5 is connected with a shared vehicle driver to facilitate P2P vehicle
6 sharing. The term does not include the following:

7 (1) A shared vehicle owner.

8 (2) A rental company (as defined in IC 24-4-9-7).

9 Sec. 5. As used in this chapter, "person" means an individual, a
10 corporation, a limited liability company, a partnership, or another
11 legal entity.

12 Sec. 6. As used in this chapter, "shared vehicle" means a vehicle
13 that a shared vehicle owner has made available for P2P vehicle
14 sharing with a shared vehicle driver through a P2P vehicle sharing
15 program. The term does not include a vehicle obtained from a
16 rental company under a rental agreement under IC 24-4-9.

17 Sec. 7. As used in this chapter, "shared vehicle driver" means
18 a person who:

19 (1) has entered into a shared vehicle agreement with a shared
20 vehicle owner; and

21 (2) is authorized to drive a shared vehicle.

22 The term does not include a renter (as defined in IC 24-4-9-6).

23 Sec. 8. As used in this chapter, "shared vehicle owner" means
24 an individual who makes a shared vehicle available for P2P vehicle
25 sharing with a shared vehicle driver through a P2P vehicle sharing
26 program.

27 Sec. 9. As used in this chapter, "start time" means the time, as
28 identified in the shared vehicle agreement, when the shared vehicle
29 driver is authorized to use a shared vehicle.

30 Sec. 10. Subject to section 13 of this chapter, as used in this
31 chapter, "termination time" means the end of the period during
32 which a shared vehicle driver is authorized to use a shared vehicle
33 under a shared vehicle agreement.

34 Sec. 11. As used in this chapter, "shared vehicle agreement"
35 means a written contract:

36 (1) that provides terms and conditions governing the conduct
37 of the shared vehicle owner and shared vehicle driver;

38 (2) that authorizes a shared vehicle driver to use a shared
39 vehicle under a shared vehicle agreement made available by
40 a shared vehicle owner through a P2P vehicle sharing
41 program for a period of thirty (30) days or less;

42 (3) under which a charge for use of the shared vehicle is made



1 at a periodic rate; and

2 (4) under which the title to the shared vehicle is not
3 transferred to the shared vehicle driver.

4 The term does not include a rental agreement (as defined in
5 IC 24-4-9-5).

6 Sec. 12. As used in this chapter, "vehicle sharing period" means
7 a period beginning with:

8 (1) the delivery period; or

9 (2) if there is no delivery period, the start time;

10 and ending with the termination time.

11 Sec. 13. A termination time is determined by the following
12 events:

13 (1) The end of the vehicle sharing period identified in the
14 shared vehicle agreement.

15 (2) The shared vehicle owner notifies the P2P vehicle sharing
16 program of the shared vehicle owner's intent to end the
17 authorized use of the shared vehicle before the end of the
18 vehicle sharing period identified in the shared vehicle
19 agreement.

20 (3) The shared vehicle owner or the shared vehicle owner's
21 designee takes possession and control of the shared vehicle.

22 Sec. 14. A P2P vehicle sharing program, for each shared vehicle
23 agreement completed through the P2P shared vehicle program,
24 shall do the following:

25 (1) Provide the language of the shared vehicle agreement to
26 the shared vehicle owner and shared vehicle driver.

27 (2) Disclose:

28 (A) to the shared vehicle driver any rates, fees, and costs
29 that are charged under the shared vehicle agreement to the
30 shared vehicle driver; and

31 (B) to the shared vehicle owner any rates, fees, and costs
32 that are charged under the shared vehicle agreement to the
33 shared vehicle driver.

34 (3) Provide an emergency telephone number for the shared
35 vehicle driver to use during the vehicle sharing period to
36 contact the person tasked with providing roadside assistance
37 to the shared vehicle driver.

38 Sec. 15. (a) When a vehicle owner registers as a shared vehicle
39 owner on a P2P vehicle sharing program, and before a shared
40 vehicle owner makes a shared vehicle available for sharing on the
41 P2P vehicle sharing program, a P2P vehicle sharing program shall:

42 (1) verify that the shared vehicle does not have any safety



1 recalls appearing on the National Highway Traffic Safety
 2 Administration recall data base created under 49 CFR 573.15
 3 for which repairs have not been made; and

4 (2) notify the shared vehicle owner of the requirements stated
 5 under subsection (b).

6 (b) If the shared vehicle owner has received a safety recall
 7 notice required under 49 U.S.C. 30118 through 30120:

8 (1) for a vehicle not yet available as a shared vehicle on a P2P
 9 vehicle sharing program, a shared vehicle owner may not
 10 make the vehicle available as a shared vehicle on a P2P
 11 vehicle sharing program until the safety recall repair has been
 12 made; or

13 (2) for a vehicle while the vehicle is available for P2P vehicle
 14 sharing through the P2P vehicle sharing program, the shared
 15 vehicle owner shall, not later than seventy-two (72) hours
 16 after the shared vehicle owner receives the safety recall
 17 notice, remove the shared vehicle from P2P vehicle sharing
 18 until repairs related to the safety recall are finished.

19 (c) If a shared vehicle owner receives a safety recall notice
 20 required under 49 U.S.C. 30118 through 30120 while the vehicle is
 21 in possession of a shared vehicle driver, the shared vehicle owner
 22 shall, not later than seventy-two (72) hours after the shared vehicle
 23 owner receives the safety recall notice, notify the P2P vehicle
 24 sharing program and shared vehicle driver about the safety recall.

25 Sec. 16. (a) A shared vehicle that is the subject of a shared
 26 vehicle agreement must be insured during a vehicle sharing period
 27 by a motor vehicle insurance policy that is maintained by any of
 28 the following:

- 29 (1) The shared vehicle owner.
 30 (2) The shared vehicle driver.
 31 (3) The P2P vehicle sharing program.
 32 (4) Any combination of the persons described in subdivisions
 33 (1) through (3).

34 (b) A motor vehicle insurance policy described in subsection (a)
 35 must:

- 36 (1) provide coverage in an amount equal to or greater than
 37 the minimum amounts required by IC 9-25-4-5; and
 38 (2) be issued by one (1) of the following:
 39 (A) An insurance company granted a certificate of
 40 authority to engage in insurance business in Indiana under
 41 IC 27-1-3-20.
 42 (B) A surplus lines insurer through a surplus lines



1 producer licensed under IC 27-1-15.8.

2 **Sec. 17. (a) An insurer may exclude motor vehicle insurance**
3 **policy coverage during a vehicle sharing period. However, except**
4 **as provided in subsection (b), an insurer may not cancel, void,**
5 **terminate, rescind, refuse to renew, or increase premiums on a**
6 **personal motor vehicle insurance policy solely because a shared**
7 **vehicle owner, shared vehicle driver, or shared vehicle has**
8 **participated in a P2P vehicle sharing program.**

9 **(b) An insurer may deny, cancel, void, terminate, rescind, or**
10 **refuse to renew a personal motor vehicle insurance policy covering**
11 **a motor vehicle that has been made available for sharing through**
12 **a P2P vehicle sharing program if the applicant or policyholder of**
13 **the personal motor vehicle liability insurance fails to provide**
14 **complete and accurate information about the use of a shared motor**
15 **vehicle through the P2P vehicle sharing program as requested by**
16 **the motor vehicle insurer during the application or renewal**
17 **process of the motor vehicle liability insurance policy.**

18 **Sec. 18. (a) During a vehicle sharing period, the P2P vehicle**
19 **sharing program has an insurable interest in the shared vehicle.**

20 **(b) A P2P vehicle sharing program may maintain, as the named**
21 **insured, one (1) or more motor vehicle insurance policies that**
22 **provide coverage in an amount equal to or greater than the**
23 **minimum amounts required by IC 9-25-4-5, including coverage for**
24 **the following:**

- 25 **(1) Liability assumed by the P2P vehicle sharing program**
26 **under a shared vehicle agreement.**
27 **(2) Liability of a shared vehicle owner.**
28 **(3) Liability of a shared vehicle driver.**
29 **(4) Damage or loss to a shared vehicle.**

30 **(c) Nothing in this section creates a liability on a P2P vehicle**
31 **sharing program to maintain the coverage mandated under section**
32 **16 of this chapter.**

33 **Sec. 19. (a) A P2P vehicle sharing program and a shared vehicle**
34 **owner are exempt from vicarious liability:**

- 35 **(1) as if the P2P vehicle sharing program were a vehicle rental**
36 **or leasing business, in accordance with 49 U.S.C. 30106; and**
37 **(2) under any state or local law that imposes liability based**
38 **solely on vehicle ownership.**

39 **(b) In an insurance claim investigation concerning a vehicle**
40 **accident, a P2P vehicle sharing program shall facilitate the**
41 **exchange of information between directly involved parties to the**
42 **accident and the insurer of a shared vehicle owner concerning the**



1 shared vehicle's use in the P2P vehicle sharing program. This
2 subsection does not make the P2P vehicle sharing program subject
3 to civil or criminal liability.

4 **Sec. 20.** When a vehicle owner registers as a shared vehicle
5 owner on a P2P vehicle sharing program and before a shared
6 vehicle owner makes a shared vehicle available for sharing on the
7 P2P vehicle sharing program, a P2P vehicle sharing program shall
8 notify the shared vehicle owner that if the shared vehicle has a lien
9 against it, the use of the shared vehicle through a P2P vehicle
10 sharing program, including use without physical damage coverage,
11 may violate the terms of the contract with the lienholder.

12 **Sec. 21.** A county, a municipality, or another political
13 subdivision of the state may not enact or enforce an ordinance,
14 resolution, policy, or rule to regulate P2P vehicle sharing.

