



General Assembly

Amendment

January Session, 2021

LCO No. 9291



Offered by:

REP. LEMAR, 96th Dist.

REP. CARNEY, 23rd Dist.

To: Subst. House Bill No. 6568

File No. 474

Cal. No. 343

"AN ACT CONCERNING PEER-TO-PEER CAR SHARING PROGRAMS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2022*) For the purposes of this
4 section and sections 2 to 13, inclusive, of this act:

5 (1) "Peer-to-peer car sharing" means the authorized use of a shared
6 vehicle for a consideration by a person other than the shared vehicle
7 owner through a car sharing platform.

8 (2) "Peer-to-peer car sharing company" or "company" means any
9 person, corporation, limited partnership or other legal entity that is
10 engaged in the business of operating a car sharing platform to enable
11 peer-to-peer car sharing in this state. "Peer-to-peer car sharing
12 company" does not include any person licensed pursuant to section 14-
13 15 of the general statutes.

14 (3) "Car sharing platform" means a physical or electronic place,
15 including, but not limited to, a store, a booth, an Internet web site, a
16 catalog or a dedicated software application that allows a shared vehicle
17 owner to make a shared vehicle available for peer-to-peer car sharing
18 and connect a shared vehicle owner with a shared vehicle driver.

19 (4) "Car sharing agreement" means the terms and conditions
20 applicable to a shared vehicle owner and a shared vehicle driver that
21 govern the use of a shared vehicle.

22 (5) "Shared vehicle" means a vehicle that is available for sharing on a
23 car sharing platform. "Shared vehicle" does not include a passenger
24 motor vehicle used for rental purposes by any person licensed pursuant
25 to section 14-15 of the general statutes.

26 (6) "Shared vehicle driver" means a person authorized by the shared
27 vehicle owner to drive the shared vehicle under a car sharing
28 agreement.

29 (7) "Shared vehicle owner" means the registered owner, or a person
30 or entity designated by the registered owner, of a vehicle made available
31 on a car sharing platform.

32 (8) "Car sharing delivery period" means the period of time during
33 which a shared vehicle is being delivered to the location of the car
34 sharing start time, if applicable, as documented by the car sharing
35 agreement.

36 (9) "Car sharing period" means the period of time that begins at the
37 start of the car sharing delivery period or, if there is no car sharing
38 delivery period, that begins at the car sharing start time, and ends at the
39 car sharing termination time.

40 (10) "Car sharing start time" means the time when a shared vehicle
41 driver takes possession and control of the shared vehicle at or after the
42 time the reservation of a shared vehicle is scheduled to begin pursuant
43 to a car sharing agreement.

44 (11) "Car sharing termination time" means the earliest of the
45 following events:

46 (A) The expiration of the agreed upon period of time established for
47 the use of a shared vehicle according to the terms of the car sharing
48 agreement if the shared vehicle is delivered to the location agreed upon
49 in such agreement;

50 (B) When the shared vehicle is returned to a location as alternatively
51 agreed upon by the shared vehicle owner and shared vehicle driver as
52 communicated through a car sharing platform and incorporated into the
53 car sharing agreement; or

54 (C) When the shared vehicle owner or the shared vehicle owner's
55 authorized designee takes possession and control of the shared vehicle.

56 Sec. 2. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
57 subsection (b) of this section, a peer-to-peer car sharing company shall
58 assume liability of a shared vehicle owner for bodily injury or property
59 damage to third parties, or uninsured and underinsured motorist or
60 personal injury protection losses, during the car sharing period in an
61 amount stated in the peer-to-peer car sharing agreement, but not less
62 than the minimum amounts required by subsection (a) of section 14-112
63 of the general statutes.

64 (b) The assumption of liability under subsection (a) of this section
65 shall not apply to any shared vehicle owner who: (1) Makes an
66 intentional or fraudulent material misrepresentation or omission to the
67 peer-to-peer car sharing company or on the car sharing platform before
68 the car sharing period in which the liability arose; or (2) acts in concert
69 with a shared vehicle driver who fails to return the shared vehicle
70 pursuant to the car sharing agreement.

71 (c) A peer-to-peer car sharing company shall ensure that, during each
72 car sharing period, the shared vehicle owner and the shared vehicle
73 driver are insured under an automobile liability insurance policy that:
74 (1) Provides insurance coverage in amounts not less than the minimum

75 amounts required by subsection (a) of section 14-112 of the general
76 statutes; and (2) recognizes that the shared vehicle insured under the
77 policy is made available and used through a car sharing platform, or
78 does not exclude the use of a shared vehicle by a shared vehicle driver.

79 (d) The coverage requirements of subsection (c) of this section may
80 be satisfied by an automobile liability insurance maintained by the
81 shared vehicle owner, the shared vehicle driver, the peer-to-peer car
82 sharing company or the shared vehicle owner, the shared vehicle driver
83 and the peer-to-peer car sharing company.

84 (e) The automobile liability insurance maintained pursuant to
85 subsection (d) of this section shall assume primary liability for a claim:

86 (1) During each car sharing period;

87 (2) When a dispute exists as to who was in control of the shared
88 vehicle at the time of the loss and the peer-to-peer car sharing company
89 does not have available, did not retain or fails to provide the information
90 required by section 5 of this act that relates to the claim; or

91 (3) When a dispute exists as to whether the shared vehicle was
92 returned to the alternatively agreed upon location as communicated
93 through the car sharing platform and incorporated into the car sharing
94 agreement.

95 (f) If a claim occurs during the car sharing period in another state with
96 minimum financial responsibility requirements that are higher than the
97 minimum amounts required by subsection (a) of section 14-112 of the
98 general statutes, the automobile liability insurance policy maintained
99 pursuant to subsection (d) of this section shall provide coverage to
100 satisfy the minimum amounts required by the other state, up to the
101 applicable policy limits.

102 (g) If an automobile liability insurance policy maintained by a shared
103 vehicle owner or shared vehicle driver has lapsed or does not provide
104 the coverage required pursuant to subsection (c) of this section, the peer-

105 to-peer car sharing company's automobile liability insurance policy
106 shall provide such coverage, beginning with the first dollar of a claim,
107 and the insurance company issuing such policy shall have the duty to
108 defend a claim except under circumstances as set forth in subsection (b)
109 of this section.

110 (h) Coverage under an automobile insurance policy maintained by
111 the peer-to-peer car sharing company shall not be contingent on another
112 automobile insurance company first denying a claim, nor shall such
113 other insurance company be required to first deny a claim.

114 (i) Nothing in this section shall:

115 (1) Limit the liability of the peer-to-peer car sharing company for any
116 act or omission of the company that results in bodily injury to any
117 person as a result of the use of a shared vehicle through a car sharing
118 platform; or

119 (2) Limit the ability of the peer-to-peer car sharing company to
120 contract for indemnification from the shared vehicle owner or the
121 shared vehicle driver for economic loss sustained by the company
122 resulting from a breach of the terms and conditions of the car sharing
123 agreement.

124 Sec. 3. (NEW) (*Effective January 1, 2022*) When a vehicle owner
125 registers as a shared vehicle owner with a peer-to-peer car sharing
126 company but before the shared vehicle is made available on the car
127 sharing platform, the peer-to-peer car sharing company shall notify the
128 shared vehicle owner that, if the shared vehicle has a lien against it, the
129 use of the shared vehicle through a car sharing platform, including use
130 without physical damage coverage, may violate the terms of the contract
131 with the lienholder.

132 Sec. 4. (NEW) (*Effective January 1, 2022*) (a) An insurance company
133 that offers automobile liability insurance coverage in this state may offer
134 automobile liability insurance policies to individuals that exclude any
135 or all coverage and the duty to defend or indemnify any claim afforded

136 under a shared vehicle owner's automobile liability insurance policy.
137 Such exclusions may include, but are not limited to: (1) Liability
138 coverage for bodily injury and property damage; (2) personal injury
139 protection coverage; (3) uninsured and underinsured motorist coverage;
140 (4) medical payments coverage; (5) comprehensive physical damage
141 coverage; or (6) collision physical damage coverage.

142 (b) Nothing in this section shall be construed to: (1) Invalidate or limit
143 an exclusion contained in an automobile liability insurance policy,
144 including any insurance policy that excludes coverage for motor
145 vehicles made available for rent, sharing, hire or business use, or (2)
146 invalidate, limit or restrict an insurance company that offers automobile
147 liability insurance coverage to underwrite, cancel or not renew any
148 insurance policy.

149 Sec. 5. (NEW) (*Effective January 1, 2022*) A peer-to-peer car sharing
150 company shall collect and verify records pertaining to the use of a
151 shared vehicle, including, but not limited to, the times used, location of
152 the car sharing start time and car sharing termination time, car sharing
153 period fees paid by the shared vehicle driver and revenues received by
154 the shared vehicle owner. The company shall provide such records: (1)
155 Upon request to the shared vehicle owner, the shared vehicle owner's
156 insurance company or the shared vehicle driver's insurance company to
157 facilitate a claim coverage investigation, settlement, negotiation or
158 litigation, or (2) as required by an agreement entered into pursuant to
159 section 13 of this act. The company shall retain the records for a time
160 period not less than the applicable personal injury statute of limitations.

161 Sec. 6. (NEW) (*Effective January 1, 2022*) A peer-to-peer car sharing
162 company and a shared vehicle owner shall be exempt from vicarious
163 liability in accordance with 49 USC 30106, as amended from time to
164 time, and under any state law or municipal ordinance that imposes
165 liability solely based on vehicle ownership.

166 Sec. 7. (NEW) (*Effective January 1, 2022*) An insurance company that
167 defends or indemnifies a claim against a shared vehicle that is excluded

168 under the terms of its automobile liability insurance policy shall have a
169 right to seek recovery against the insurance company of the peer-to-peer
170 car sharing company if the claim is: (1) Made against the shared vehicle
171 owner or the shared vehicle driver for loss or injury that occurs during
172 the car sharing period; and (2) excluded under the terms of its policy.

173 Sec. 8. (NEW) (*Effective January 1, 2022*) (a) A peer-to-peer car sharing
174 company shall have an insurable interest in a shared vehicle during the
175 car sharing period. Nothing in this subsection shall create liability for a
176 peer-to-peer car sharing company for failure to maintain the insurance
177 coverage required pursuant to section 2 of this act.

178 (b) A peer-to-peer car sharing company may own and maintain, as
179 the named insured, one or more policies of automobile liability
180 insurance that provides coverage for: (1) Liability assumed by the peer-
181 to-peer car sharing company under a car sharing agreement; (2) any
182 liability of the shared vehicle owner; (3) damage or loss to the shared
183 vehicle; or (4) any liability of the shared vehicle driver.

184 Sec. 9. (NEW) (*Effective January 1, 2022*) Each car sharing agreement
185 shall, at a minimum, disclose to the shared vehicle owner and the shared
186 vehicle driver:

187 (1) Any right of the peer-to-peer car sharing company to seek
188 indemnification from the shared vehicle owner or the shared vehicle
189 driver for economic loss sustained by the company resulting from a
190 breach of the terms and conditions of the car sharing agreement;

191 (2) That an automobile liability insurance policy issued to the shared
192 vehicle owner for the shared vehicle or to the shared vehicle driver does
193 not provide a defense or indemnification for any claim asserted by the
194 peer-to-peer car sharing company;

195 (3) That the peer-to-peer car sharing company's insurance coverage
196 on the shared vehicle owner and the shared vehicle driver is in effect
197 only during each car sharing period and that, for any use of the shared
198 vehicle by the shared vehicle driver after the car sharing termination

199 time, the shared vehicle driver and the shared vehicle owner may not
200 have insurance coverage;

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

204 (5) That the shared vehicle owner's automobile liability insurance
205 may not provide coverage for a shared vehicle;

206 (6) An emergency telephone number to personnel capable of
207 answering calls for roadside assistance and other customer service
208 inquiries; and

209 (7) If there are conditions under which a shared vehicle driver shall
210 maintain a personal automobile insurance policy with certain applicable
211 coverage limits on a primary basis to book a shared vehicle.

212 Sec. 10. (NEW) (*Effective January 1, 2022*) (a) A peer-to-peer car sharing
213 company may not enter into a car sharing agreement with a shared
214 vehicle driver unless the shared vehicle driver holds an operator's
215 license, as defined in section 14-1 of the general statutes, that authorizes
216 the driver to operate a motor vehicle of the same class as the shared
217 vehicle.

218 (b) A peer-to-peer car sharing company shall keep a record of: (1) The
219 name and address of the shared vehicle driver; (2) the number of the
220 operator's license of each shared vehicle driver; and (3) the place of
221 issuance of the operator's license.

222 Sec. 11. (NEW) (*Effective January 1, 2022*) A peer-to-peer car sharing
223 company is responsible for any equipment, such as a global positioning
224 system, that is put in or on the shared vehicle to monitor or facilitate the
225 car sharing transaction. The company shall indemnify and hold
226 harmless the shared vehicle owner for any damage to or theft of such
227 equipment during the car sharing period, unless caused by the vehicle
228 owner. The company has the right to seek indemnification from the

229 shared vehicle driver for any loss or damage to such equipment that
230 occurs during the car sharing period.

231 Sec. 12. (NEW) (*Effective January 1, 2022*) (a) When a shared vehicle
232 owner registers a shared vehicle with a peer-to-peer car sharing
233 company but before the shared vehicle is available on the car sharing
234 platform, the company shall: (1) Verify that the shared vehicle is not
235 subject to a safety recall for which the repairs have not been made; and
236 (2) notify the shared vehicle owner of the requirements under
237 subsection (b) of this section.

238 (b) (1) If a shared vehicle owner received an actual notice of a safety
239 recall for the shared vehicle, the shared vehicle owner shall not make
240 the shared vehicle available on the car sharing platform until the safety
241 recall repair has been made.

242 (2) If a shared vehicle owner receives an actual notice of a safety recall
243 for a shared vehicle while the shared vehicle is available on the car
244 sharing platform, the shared vehicle owner shall remove the shared
245 vehicle's availability on the platform as soon as practicable after
246 receiving such notice and until the safety recall repair has been made.

247 (3) If a shared vehicle owner receives an actual notice of a safety recall
248 for a shared vehicle during the car sharing period, the shared vehicle
249 owner shall notify both the shared vehicle driver and the peer-to-peer
250 car sharing company of the safety recall as soon as practicable.

251 Sec. 13. (NEW) (*Effective January 1, 2022*) A peer-to-peer car sharing
252 company shall not permit the operation of peer-to-peer car sharing at
253 Bradley International Airport unless such company enters into an
254 agreement with the Connecticut Airport Authority, established
255 pursuant to section 15-120bb of the general statutes. The Connecticut
256 Airport Authority may charge and collect a reasonable fee from any
257 such company for the privilege of operating peer-to-peer car sharing at
258 such airport.

259 Sec. 14. (NEW) (*Effective January 1, 2022*) (a) As used in this section:

260 (1) "Peer-to-peer car sharing facilitator" means any peer-to-peer car
261 sharing company that (A) facilitates retail sales of at least two hundred
262 fifty thousand dollars during the prior twelve-month period by shared
263 vehicle owners by providing a car sharing platform; (B) directly or
264 indirectly through agreements or arrangements with third parties,
265 collects payment for peer-to-peer car sharing and remits payments to
266 the shared vehicle owners; and (C) receives compensation or other
267 consideration for such services; and

268 (2) "Peer-to-peer car sharing company", "shared vehicle owner", "car
269 sharing platform" and "peer-to-peer car sharing" have the same
270 meanings as provided in section 1 of this act.

271 (b) A peer-to-peer car sharing facilitator shall be required to obtain a
272 permit to collect the tax set forth in subparagraph (G) of subdivision (1)
273 of section 12-408 of the general statutes, as amended by this act, and
274 shall be considered the retailer for each retail sale of peer-to-peer car
275 sharing for a period of thirty consecutive calendar days or less that such
276 facilitator facilitates on its car sharing platform for a shared vehicle
277 owner. Each peer-to-peer car sharing facilitator shall (1) be required to
278 collect and remit for each such sale any tax imposed under section 12-
279 408 of the general statutes, as amended by this act, (2) be responsible for
280 all obligations imposed under chapter 219 of the general statutes as if
281 such facilitator was the owner of the shared vehicle and retailer for such
282 sale, and (3) keep such records and information as may be required by
283 the Commissioner of Revenue Services to ensure proper collection and
284 remittance of such tax.

285 (c) A shared vehicle owner shall not be liable for the collection of the
286 tax set forth in subparagraph (G) of subdivision (1) of section 12-408 of
287 the general statutes, as amended by this act, to the extent the peer-to-
288 peer car sharing facilitator collected the tax due on such sale.

289 Sec. 15. Subparagraph (G) of subdivision (1) of section 12-408 of the
290 general statutes is repealed and the following is substituted in lieu
291 thereof (*Effective January 1, 2022, and applicable to sales occurring on or after*

292 *January 1, 2022*):

293 (G) With respect to the rental or leasing of a passenger motor vehicle
294 or peer-to-peer car sharing, as defined in section 1 of this act, for a period
295 of thirty consecutive calendar days or less, at a rate of nine and thirty-
296 five-hundredths per cent;

297 Sec. 16. Subparagraph (G) of subdivision (1) of section 12-411 of the
298 general statutes is repealed and the following is substituted in lieu
299 thereof (*Effective January 1, 2022, and applicable to sales occurring on or after*
300 *January 1, 2022*):

301 (G) With respect to the rental or leasing of a passenger motor vehicle
302 or peer-to-peer car sharing, as defined in section 1 of this act, for a period
303 of thirty consecutive calendar days or less, at a rate of nine and thirty-
304 five-hundredths per cent;

305 Sec. 17. Section 12-665 of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective January 1, 2022, and*
307 *applicable to car sharing agreements executed on or after January 1, 2022*):

308 A surcharge is hereby imposed on (1) the rental or leasing, for a
309 period of thirty consecutive calendar days or less, of a passenger motor
310 vehicle by any person licensed pursuant to section 14-15, [. Said] and (2)
311 peer-to-peer car sharing for a period of thirty consecutive calendar days
312 or less. Such surcharge shall be in addition to any tax otherwise
313 applicable to any such transaction. No surcharge shall be imposed
314 under this section for the rental or leasing of a motor vehicle or for peer-
315 to-peer car sharing pursuant to a written agreement or a car sharing
316 agreement having a term of more than thirty days. For the purposes of
317 this section, "peer-to-peer car sharing" and "car sharing agreement" have
318 the same meanings as provided in section 1 of this act.

319 Sec. 18. Section 12-666 of the general statutes is repealed and the
320 following is substituted in lieu thereof (*Effective January 1, 2022, and*
321 *applicable to car sharing agreements executed on or after January 1, 2022*):

322 (a) For the purposes of this section, "peer-to-peer car sharing
323 facilitator" has the same meaning as provided in section 14 of this act,
324 and "car sharing period", "shared vehicle driver" and "peer-to-peer car
325 sharing" have the same meanings as provided in section 1 of this act.

326 ~~[(a)]~~ (b) The surcharge imposed by section 12-665, as amended by this
327 act, shall be at a rate of one dollar for each day, or portion thereof, up to
328 thirty days, (1) for which the lessor charges the lessee for the rental or
329 lease of such a motor vehicle, and (2) that is included in the car sharing
330 period.

331 ~~[(b)]~~ (c) Reimbursement for the surcharge imposed by section 12-665,
332 as amended by this act, shall be collected by the lessor from the lessee
333 or by the peer-to-peer car sharing facilitator from the shared vehicle
334 driver, as applicable, and such surcharge reimbursement, termed
335 "surcharge" in this subsection, shall be paid by the consumer to the
336 retailer and each retailer shall collect from the consumer the full amount
337 of the surcharge imposed by section 12-665, as amended by this act. Such
338 surcharge shall be a debt from the lessee to the lessor, when so added to
339 the original lease or rental price or from the shared vehicle driver to the
340 peer-to-peer car sharing facilitator, when so added to the original price
341 for peer-to-peer car sharing, and shall be recoverable at law in the same
342 manner as other debts.

343 (d) Whenever such surcharge, payable by the consumer with respect
344 to a charge account or credit sale is remitted by the retailer to the
345 commissioner and such sale as an account receivable is determined to
346 be worthless and is actually written off as uncollectible for federal
347 income tax purposes, the amount of such surcharge remitted may be
348 credited against the surcharge due on the surcharge return filed by the
349 retailer for the monthly or quarterly period, whichever is applicable,
350 next following the period in which such amount is actually so written
351 off, but in no event shall such credit be allowed later than three years
352 following the date such surcharge is remitted. The commissioner shall,
353 by regulations adopted in accordance with chapter 54, provide
354 standards for proving any such claim for credit. If any account with

355 respect to which such credit is allowed is thereafter collected by the
 356 retailer in whole or in part, the amount so collected shall be included in
 357 the surcharge return covering the period in which such collection
 358 occurs."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2022</i>	New section
Sec. 2	<i>January 1, 2022</i>	New section
Sec. 3	<i>January 1, 2022</i>	New section
Sec. 4	<i>January 1, 2022</i>	New section
Sec. 5	<i>January 1, 2022</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>January 1, 2022</i>	New section
Sec. 8	<i>January 1, 2022</i>	New section
Sec. 9	<i>January 1, 2022</i>	New section
Sec. 10	<i>January 1, 2022</i>	New section
Sec. 11	<i>January 1, 2022</i>	New section
Sec. 12	<i>January 1, 2022</i>	New section
Sec. 13	<i>January 1, 2022</i>	New section
Sec. 14	<i>January 1, 2022</i>	New section
Sec. 15	<i>January 1, 2022, and applicable to sales occurring on or after January 1, 2022</i>	12-408(1)(G)
Sec. 16	<i>January 1, 2022, and applicable to sales occurring on or after January 1, 2022</i>	12-411(1)(G)
Sec. 17	<i>January 1, 2022, and applicable to car sharing agreements executed on or after January 1, 2022</i>	12-665
Sec. 18	<i>January 1, 2022, and applicable to car sharing agreements executed on or after January 1, 2022</i>	12-666