

§7404-A. Responsibilities of peer-to-peer car sharing programs

1. General disclosures. Each car sharing program agreement made in the State must disclose to the shared vehicle owner and the shared vehicle driver:

A. Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement; [PL 2021, c. 352, §10 (NEW).]

B. That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program; [PL 2021, c. 352, §10 (NEW).]

C. That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage; [PL 2021, c. 352, §10 (NEW).]

D. The daily rate, fees and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver; [PL 2021, c. 352, §10 (NEW).]

E. That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle; [PL 2021, c. 352, §10 (NEW).]

F. An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and [PL 2021, c. 352, §10 (NEW).]

G. If there are conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to arrange for use of a shared vehicle. [PL 2021, c. 352, §10 (NEW).]

[PL 2021, c. 352, §10 (NEW).]

2. Notification of implications of lien. At the time a vehicle owner registers as a shared vehicle owner with a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing with the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder. [PL 2021, c. 352, §10 (NEW).]

3. Motor vehicle safety recalls. This subsection applies to motor vehicle safety recalls of shared vehicles.

A. At the time a vehicle owner registers as a shared vehicle owner with a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing with the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

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

(2) Notify the shared vehicle owner of the requirements under paragraph B. [PL 2021, c. 352, §10 (NEW).]

B. If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle with a peer-to-peer car sharing program until the safety recall repair has been made.

(1) When the notice of a safety recall is received while the shared vehicle is made available with the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available with the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made; and

(2) When the notice of a safety recall is received while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair. [PL 2021, c. 352, §10 (NEW).]

[PL 2021, c. 352, §10 (NEW).]

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

[PL 2021, c. 352, §10 (NEW).]

5. Driver's license verification and data retention. A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

A. Holds a driver's license issued under Title 29-A, section 1251 that authorizes the driver to operate vehicles of the class of the shared vehicle; or [PL 2021, c. 352, §10 (NEW).]

B. Is a nonresident who:

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

(2) Is at least the same age as that required of a resident of the State to drive; or [PL 2021, c. 352, §10 (NEW).]

C. Otherwise is specifically authorized by Title 29-A, section 1251 to drive vehicles of the class of the shared vehicle. [PL 2021, c. 352, §10 (NEW).]

A peer-to-peer car sharing program shall keep a record of the name and address of the shared vehicle driver; the number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and the place of issuance of the driver's license.

[PL 2021, c. 352, §10 (NEW).]

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

[PL 2021, c. 352, §10 (NEW).]

SECTION HISTORY

PL 2021, c. 352, §10 (NEW).

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